

# Maine Townsgman

The Magazine  
of the Maine Municipal Association

APRIL 2017

## Restoring Revenue Sharing

Taxpayers, municipal leaders unite at Statehouse



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# Maine Townsman

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The Magazine of the Maine Municipal Association

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## Don't Look Back



*State government runs budget surpluses these days, not deficits, and property taxpayers know what massive cuts to municipal revenue sharing have meant. Is it time to restore the municipal fair share?*

**MMA President Laurie Smith** led a sizable municipal contingent to Washington, D.C. recently as it met with Congressional leaders. Here's her take on the visit. [Page 5](#)

**Social media and websites** are effective communication tools that municipalities can largely control. But this stuff is written. State laws must be followed. [Page 27](#)

**ABOUT THE COVER:** MMA's Ben Thomas took these photos at the Statehouse, as bills affecting municipal revenue sharing were up for consideration.

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## When Stores Go Vacant

*Large stores are getting pounded by competitors, from online retailers to discounters and boutiques. Here's a look at the impact on Maine communities.*

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## Recruiting Tomorrow, Today

*Hiring summer interns is no longer an option or luxury. As local government faces a retirement wave, some towns use internships to their advantage.*

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## Technology, HR-Management Conferences

**Busy weeks ahead:** MMA has two of its largest conferences coming up in May and June. Take a look at both programs – then register and attend! [Pages 19, 36](#)

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## A MESSAGE FROM MMA

BY LAURIE SMITH / MMA PRESIDENT

### Meeting with D.C. leaders, speaking with one voice

Each March, Maine Municipal Association's president and vice president, make the trek to Washington, D.C. to attend the National League of Cities' Congressional Cities Conference and represent the interests of Maine's local governments in meetings with our congregational delegation. In preparation for the meeting, staff from the MMA's State & Federal Relations Department create our annual Federal Issues Paper. As progress at the federal level moves as quickly as molasses on a cold day, one might appreciate that the Federal Issues Paper can sound a bit repetitive from year to year. To prevent us from sounding like a broken record, staff joined forces with the municipal leagues in New Hampshire, Massachusetts, Rhode Island, Vermont, Connecticut and New York, and they narrowed our list to three areas of focus.

1. Community Development Block Grant funds
2. Tax exempt status for bonds
3. Federal investment in infrastructure

After two days at the conference it was clear to me that these three issues were not relegated to the Northeast, but were shared across all corners of our nation.

The members of Maine's congressional delegation were interested in hearing of the importance of the CDBG program to towns and cities. We emphasized that is the bread and butter of grants, helping satisfy the basic challenges of meeting the needs of residents in low to moderate income levels. One of the reasons for the popularity of the program has been its flexibility in meeting needs in communities both large and small, as well as the stability of the program over decades. We pointed out that the funding levels have not kept pace with the cost of inflation and hence fewer projects are able to be completed. We also noted that the administrative hoops and quantitative reporting can be difficult if not overwhelming for small municipalities.

Our senators and representatives were equally receptive to our message on the need to preserve the tax-exempt status of municipal bonds. The exemption status has been in effect for over 100 years, and a repeal would result in an immediate impact to towns, cities, school districts and local utilities. Higher interest costs would lessen the level of investment in infrastructure at a time when Maine and America are in need of more investment, not less.

Continued investment in transportation, water, waste-



**Municipal contingent meets with U.S. Senator Susan Collins.**  
(Submitted photo)

water and broadband was our final message. As members of Congress from the Northeast, home to the country's earliest major infrastructure projects, they appreciated the need to repair and replace the economic backbone of our region. We also brought news of the American Society of Civil Engineer's recent report card that rated America's infrastructure a D+. To view the report card and see the various rating categories please visit: [www.infrastructurereportcard.org](http://www.infrastructurereportcard.org).

I left D.C. with sense that our meetings were a success and had served their purpose. We are fortunate in Maine to have access to our federal delegation, and they were all anxious to hear our message and discuss the issues at hand. One of the biggest reasons for our success was the elected officials and staff from across the state who took time from their busy schedules to join MMA in delivering our message. Representatives from Portland, South Portland, Auburn, Augusta, Brewer, Ellsworth and Madawaska supported our message through personal stories of these impacts at the local level. We are fortunate to have smart, dedicated and articulate members who help us with the heavy lifting. My thanks to each and every one of them, including the City of Bangor, which had several officials who planned to join us, but were prevented from attending due to weather.

As we seek to resolve the challenges ahead, remember that whether you are in California, Alabama or Maine, chances are we work on similar issues and we can influence the federal agenda when we speak with one voice. ■

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# Seniors and municipal leaders favor restoring revenue sharing

*Tide may be turning with Municipal Revenue Sharing, as senior homeowners join municipalities to say: Property taxes are under too much pressure, due to state actions.*

By Kate Dufour, Senior Legislative Advocate,  
State & Federal Relations, MMA

On Wednesday, March 22, more than 25 municipal officials, retirees, seniors and other interest groups appeared before the members of the Legislature's Taxation Committee to testify on five revenue sharing-related bills. Over the course of three hours, municipal officials provided fact-based, numbers-laden, straightforward testimony on bills seeking to restore, retain, redirect and restructure the revenue sharing program.

Several retirees and seniors, as well as organizations representing retirees, the elderly and municipal employees, also offered testimony in support of revenue sharing, adding a new voice in the decade-long fight for full funding of the state/municipal program.

With the exception of the comments provided by two participants, the crowd at the hearing was overwhelmingly uniform in its message: Reduce property taxes by fully restoring revenue sharing. That being said, it remains unknown if the Legislature will restore the amount of revenue sharing distributed to municipalities over fiscal years 2018 and 2019. There is clearly interest among some legislators to immediately share more state revenues with municipalities. However, those efforts will not be universally supported. It is expected that proposals that either increase or decrease revenue sharing distributions will receive split votes, roughly along party lines.

The Municipal Revenue Sharing Program was created in 1972 in recognition that the municipal services provided on behalf of the state could not be funded solely on the backs of Maine's property taxpayers. It was enacted as an acknowledgement that municipal, county and school govern-



**The scene at Senator Shenna Bellows' news conference.** (Photo by Ben Thomas)

ments deliver important services that, when coupled with state-level support from "broad based tax resources," provide a full complement of government services and programs to Maine residents, businesses and visitors.

In exchange for the provision of these local level services, the state has historically shared with municipalities a fixed portion of state sales and income tax revenue, which is required by law to be used to reduce property taxpayer burden. However, during the last decade, well over \$1.5 billion in revenue sharing funds have been redirected away from municipalities and into the state's General Fund.

As shown in the accompanying table, the Maine Legislature honored its commitment to the state/municipal partnership by fully funding the revenue sharing program from its inception in 1972 to 2005. Beginning in 2006, transfers from the revenue sharing program to the state's General

Fund coffers became routine and increasingly more significant. Between 2006 and 2015 over \$320 million in revenue sharing funds were redirected to the state. In 2016, the Legislature took it a step further by reducing for fiscal years 2016 to 2019 the amount of state sales and income tax revenue shared with the municipalities from 5 percent to 2 percent. As a result, over that a four-year period an additional \$365 million in revenue sharing funds are projected to be transferred out of municipal coffers and into the state's General Fund.

## Enter LD 133

LD 133, *An Act To Support Lower Property Taxes by Restoring State-Municipal Revenue Sharing*, was submitted on behalf of MMA's Legislative Policy Committee and sponsored by Sen. Shenna Bellows of Kennebec County and Rep. John Madigan, Jr. of Rumford. As proposed, the bill seeks to

increase by 1 percent each year the portion of sales and income tax revenue distributed to municipalities until FY 2020 when distributions under the revenue sharing program return to the historic 5 percent level.

At the March 22 public hearing, Sen. Bellows and Rep. Madigan provided complementary testimony on LD 133. Sen. Bellows' testimony focused on the social service impacts of the Legislature's treatment of the revenue sharing program, stressing that the state's failure to pay its bills is directly responsible for increasing property taxes. Rep. Madigan, a 25-year veteran of local government, provided a bottom-line analysis of revenue sharing program, illustrating how over the last decade \$600 million has been transferred out of the program and into the state's General Fund.

The municipal proponents of LD 133 included representatives from the communities of Bangor, Belfast, Brewer, Damariscotta, Farmington, Jay, Kennebunkport, Lewiston, Presque Isle, Saco, Sanford, South Portland, Topsham, Union, Waterville, Winslow and Winthrop. Other proponents included the AARP, Lewiston and Orono Firefighters' Associations, Maine Association of Retirees, Maine Center for Economic Policy, Maine Education Association, Maine Municipal Association, Professional Firefighters of Maine and several retired Maine residents. The testimony offered at the hearing focused on six general themes.

1. **Municipalities Generate Sales and Income Tax Revenue.** The state is able to collect roughly \$3 billion annually in sales and income tax revenue because of local level investments in infrastructure (e.g., roads, bridges, sidewalks, water, sewer, broadband, etc.) and economic development. Without these local level investments, there would be much less "broad-based" tax revenue collected by the state.

2. **Tax Mix.** Revenue sharing keeps property taxes down. In 2007, the property tax accounted for 42 percent of the total revenues raised by sales, income and property taxes combined, with income and sales tax revenue accounting for 37 percent and 23 percent, respectively. However, in 2016 it is estimated that of the total revenue raised by these three sources,

the property tax will account for 46 percent, the income tax 30 percent and the sales tax 24 percent. The state needs to modernize Maine's tax code and reduce its over-reliance on property taxes as the primary funding mechanism for both mandated and desired municipal services.

3. **Important Element of a Relief Package.** Revenue sharing is an important element of a comprehensive property tax relief package that also includes the Homestead Exemption Program and the Property Tax Fairness Credit. The homestead program exports, in part, burdens to second homeowners, the income tax credit supports residents with high property tax to income ratios, and the revenue

sharing program directly reduces the property taxes raised, providing generalized relief to all property owners.

4. **Easing the State Back In.** The incremental approach to restoring revenue sharing from 2 percent to 5 percent of state sales and income tax revenue will transition the restoration rather than try to implement it all at once in 2020.

5. **Impact on Employee Morale.** Although the state has reduced the amount of revenue distributed to towns and cities, the local workload has not decreased. Municipalities cannot stop providing critical and mandated services. Employees are asked to do more with less and to pay for some of the losses in revenue sharing



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through layoffs, higher health insurance premiums and freezes on salary adjustments.

6. State Priority Requiring Tough Choices. Property taxes are skyrocketing not because of out-of-control municipal spending, but because the state has failed to recognize its responsibility for school funding and revenue sharing. Older Mainers living on low, fixed incomes do not have the financial flexibility to continue to pay increased property taxes and meet their basic needs for food, fuel, health care and medication.

Proponents of LD 133 also provided supportive testimony for LD 492, *An Act to Restore Revenue Sharing* and LD 74, *An Act to Realign the State-Municipal Revenue Sharing Distribution*.

LD 492, sponsored by Rep. Denise Tepler of Topsham, would immediately increase to 5 percent the portion of sales and income tax revenue dedicated to the program, but allow for a transfer of \$51 million in fiscal year 2018 and of \$35 million in fiscal year 2019 from the program to the state's General Fund coffers. In 2020 and subsequent fiscal years, 5 percent of total sales and income tax revenue would be distributed to municipalities statewide.

LD 74, sponsored by Rep. Anne-Marie Mastraccio of Sanford was presented to the Taxation Committee in concept draft form, meaning that while the sponsor's intent is to restore revenue sharing funding to historic levels, the details are not yet hammered out. Instead, Rep. Mastraccio offered LD 74 as means for providing the Taxation Committee with an avenue to both restore funding for the revenue sharing program and to review and reassess the formulas used to distribute funds to municipalities, if deemed necessary.

Two other revenue sharing bills were presented at the March 22 public hearing. However, neither bill received favorable reviews from the municipal community.

LD 887, *An Act To Provide Relief to Maine Property Tax Payers*, was presented to the Committee as a concept draft. The bill, sponsored by Sen. Eric Brakey of Androscoggin County, would provide property tax relief through a state income tax credit rather than through distributions to municipalities. The income tax ben-

## LEGISLATIVE TRANSFERS OUT OF REVENUE SHARING (1972 - 2018)

	Calculated Revenue Sharing Distribution	Legislative Transfer	Actual Revenue Sharing Distribution	Transfer as % of Calculated Rev Share Dist
1972	2,900,000		2,900,000	0%
1973	3,700,000		3,700,000	0%
1974	6,200,000		6,200,000	0%
1975	8,000,000		8,000,000	0%
1976	9,870,130	370,130	9,500,000	4%
1977	9,900,000		9,900,000	0%
1978	12,700,000		12,700,000	0%
1979	14,100,000		14,100,000	0%
1980	15,609,880		15,609,880	0%
1981	17,934,892		17,934,892	0%
1982	19,654,260		19,654,260	0%
1983	21,547,832		21,547,832	0%
1984	27,579,003		27,579,003	0%
1985	35,658,816		35,658,816	0%
1986	41,399,922		41,399,922	0%
1987	49,636,300		49,636,300	0%
1988	56,920,102		56,920,102	0%
1989	63,757,298		63,757,298	0%
1990	60,826,462		60,826,462	0%
1991	62,254,009		62,254,009	0%
1992	64,939,137	12,100,000	52,839,137	19%
1993	67,128,500	6,000,000	61,128,500	9%
1994	66,325,845		66,325,845	0%
1995	69,896,500		69,896,500	0%
1996	72,704,600		72,704,600	0%
1997	77,696,000		77,696,000	0%
1998	89,490,000		89,490,000	0%
1999	96,174,000		96,174,000	0%
2000	107,116,000		107,116,000	0%
2001	109,481,753		109,481,753	0%
2002	100,610,139		100,610,139	0%
2003	102,311,399		102,311,399	0%
2004	110,663,051		110,663,051	0%
2005	117,609,820		117,609,820	0%
2006	123,722,881	2,335,918	121,386,963	2%
2007	128,330,756	6,951,935	121,378,821	5%
2008	135,819,468	2,695,409	133,124,059	2%
2009	123,748,797	2,789,719	120,959,078	2%
2010	121,367,688	23,942,609	97,425,079	20%
2011	130,031,971	36,875,246	93,156,725	28%
2012	134,792,425	37,915,461	96,876,964	28%
2013	136,536,867	40,562,714	95,974,153	30%
2014	137,268,876	71,205,766	66,063,110	52%
2015	159,002,490	95,195,698	63,806,792	60%

### REVENUE SHARING DISTRIBUTION - CHANGE IN ALLOCATION FORMULA\*

	Historic 5 % State Sales & Income		Temporary 2% State Sales & Income	
2016*	156,424,711	-	62,569,884	-
2017*	155,174,541	-	64,469,816	-
2018*	164,527,742	-	68,211,047	-

\*Effective between FY2016-2019, the total revenue sharing distribution was statutorily reduced by 60%.

Sources: Office of Fiscal and Program Review and Budget Documents.

efit provided to an individual taxpayer would be no more than 80 percent of the annual property tax bill and no more than 40 percent of the tax assessed to a corporate property taxpayer.

### A differing view

The most involved revenue sharing bill in the mix was LD 875, *An Act to Reduce Property Taxes*. This bill, sponsored by Rep. Richard Cebra of Naples, would repeal and replace the existing revenue sharing distribution model. Starting on July 1, 2018, only municipalities with full value property tax rates over 10 mills would receive any revenue sharing. Although all initially qualifying municipalities would receive revenue sharing, communities with current mill rates that are lower than the community's five-year average full value mill rate would be advantaged by the model. The proposal would allow for more revenue sharing to be distributed to higher mill rate communities that generally reduce their property tax rates. The proposal also restores funding for the program to the historic 5 percent of state sales and income tax revenue in FY 2020.

The Maine Heritage Policy Center, a conservative think tank, provided testimony in support of LD 875. The Policy Center representative testified that the current revenue sharing program discourages municipalities from reducing mill rates, because higher mill rates yield greater revenue sharing distributions. The argument was

that LD 875 creates a mechanism for rewarding communities that reduce the mill rate over time.

Without the benefit of work session-level discussions, it is difficult to determine with any certainty the fate of these bills. However, based on the Taxation Committee's response to the element of the Gov. Paul LePage's FY 2018-19 biennial General Fund budget proposing to permanently cap revenue sharing funding to 2 percent of state sales and income tax revenue, it is likely that the votes on the five bills will be divided. In late March, seven

members of the Taxation Committee rejected the Gov. LePage's proposal to permanently reduce the amount of state sales and income tax revenue shared with municipalities, while six members supported the proposal.

Updates on the budget as well as the fate of the revenue sharing bills will be reported in future editions of MMA's Legislative Bulletin, which is published each Friday while the Legislature is in session. For more information on the Legislative Bulletin, please contact Laura Ellis at 1-800-452-8786 or [lellis@memun.org](mailto:lellis@memun.org). ■

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# 'Ghost box' is a scary name – and a retail trend, here and elsewhere

*As online retailing booms, communities that made way for major retail stores deal with vacancies, lost property tax revenues – and contemplate their futures.*

By Lee Burnett

**P**resque Isle may hold the unenviable distinction of having the most big-box vacancies in Maine.

Three big-box stores – Sears, Staples and Kmart – have closed in the past 15 months. JC Penney could have been the fourth, but the Presque Isle store was not listed among the 140 stores nationwide that the parent company plans to close. JC Penney operates stores in six Maine communities: Presque Isle, South Portland, Auburn, Waterville, Rockland, and Bangor. The Rockland store is the only one scheduled to close.

Had JC Penney closed its Presque Isle store, the Aroostook Centre Mall would have lost all four of its anchor stores. Still, three is a lot. Closures have cost the community 207,000 square feet of commercial spaces, 115 jobs and \$1.3 million in personal property taxes. Real estate taxes would be next to take a hit.

"It's not a very nice scenario right now," said Tom Powers, director of the Presque Isle Industrial Council. "There's a fair number of smaller stores (at the mall), but without a destination to travel to, it's really slowed the traffic."

Once the dominant venue of modern shopping, big box stores are suddenly in decline. The 2008 Recession and the rise of on-line shopping contributed to the bankruptcy of many brick-and-mortar chain stores such as Circuit City, bookseller Borders, Blockbuster Video and Sports Authority. The rise in small-box stores and super stores has also taken a toll on the big boxes. In recent months, Sears announced the closing of 42 stores,



**Entry area to the Sears store in Augusta.** (Photo by Ben Thomas)

including one in Augusta; Macy's announced the closure of 63 stores, including one in Bangor; and Kmart announced the closure of 108 stores, including one in Bangor.

Communities are starting to grapple with the blight, the declining tax base and other consequences of a phenomenon sometimes called "ghost boxes." The quickest solution is to find new tenants, although competitors can be locked out by restrictive re-use provisions.

Repurposing the buildings is challenging because the cavernous, windowless spaces with no interior walls do not easily lend themselves to retrofitting. Tear downs are expensive. Rezoning to invite in other kinds of uses may hold the most promise, although it is a slow, incremental process.

## **Presque Isle**

Presque Isle Industrial Council

Director Powers admits to being "surprised a little bit" by the spate of closures because, while he acknowledges the rise in on-line shopping and the small population base in Aroostook County, he also sees that the local Super Walmart parking lot "is always full."

"I'm surprised someone wouldn't come in and compete with Walmart," he said.

He said Presque Isle has not begun long-term planning but says the three anchor store closures cannot be ignored. "Holy cow, we've got a real problem," he said.

Unlike many other malls in Maine, Aroostook Centre Mall is especially vulnerable to Canadian competition, which ebbs and flows with the monetary exchange rate. When the Canadian dollar is strong, the mall draws three times as many Canadians as U.S. citizens. In the past few years, the U.S.

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dollar has been strong (\$1.38 Canadian, in 2016) and Canadian traffic has dwindled, said Aroostook Centre Mall Manager Patti Crooks.

“It (exchange rate) hasn’t moved in two years,” she said. “That is the point.”

### Augusta

The Sears space at Augusta’s Turnpike Mall should fill up soon, according to Matt Nazar, economic development director for the capital city. The plaza occupies a “very prominent” location near the intersection of Interstate 95 and Western Avenue, and the location is helped by a growing economy and Augusta’s status as a regional retail center.

“I don’t anticipate we’ll have any difficulty,” Nazar said.

That said, attracting a new tenant may require a facelift of new flooring and lighting, and the store may be divided into two smaller spaces. The situation contrasts with the difficulty in filling the former Circuit City space at the Marketplace at Augusta mall, located on a hill opposite the Augusta Civic Center. That space may finally

be getting a tenant after a three-plus year vacancy.

“The economy is significantly better,” Nazar said.

### Bangor

Bangor folks have a much larger challenge with a 143,000 square-foot space being vacated by Macy’s at the Bangor Mall.

“One of the challenges is that large footprint stores are generally outdated,” said Tanya Emery, Bangor’s economic and community development director. “There’s not a lot of demand for forty and 50,000 square-foot spaces.”

Complicating reuse is outright ownership of the space by Macy’s, rather than being owned by the mall, which means Macy’s can dictate which company acquires the space. “The use restrictions are extremely broad, which makes it very difficult to reuse in certain circumstances,” Emery said. The space is also two stories tall, further complicating reuse scenarios.

“At the end of the day they’re the ones making the decision,” Emery said, of Macy’s.

The city should think beyond just filling that space, said Bangor Mayor Joseph Baldacci. Bangor and mall owner Simon Property Group should communicate more often about short-range and long-term improvements.

“Nationwide, mall traffic is off by 50 percent. It’s not particular to Maine. The rise of online shopping will continue,” he said. “There still will be a need for brand names to have a store. Might be a smaller store or a different store.”

Mall managers need to think beyond retail, he said.

“I think they’re going to have to rethink themselves, with more indoor events, indoor entertainment – like downtowns do,” said Baldacci.

And the city should think about diversifying permitted uses to include housing and professional space. “Maybe we need a TIF (tax increment financing) for traffic improvements. Maybe we need to invest in roads and sidewalks from the motels to the mall.”

### Rockland

Rockland is dealing with a decline in the vitality of an area on Route

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1 north of downtown, as a result of Walmart's decision to vacate a 94,000 square-foot space and build a 150,000 square-foot store in the neighboring town of Thomaston. The old space was not vacant for long, but new tenants Ocean State Job and Dollar Tree generate less traffic for neighboring businesses, said acting City Manager Audra Caler-Bell. Both the KFC and Tim Horton's restaurants have closed since Walmart left.

"It (Ocean State) is not the same anchor," said Caler-Bell. "There are a lot of other businesses at the shopping plaza, and we're having difficulty attracting tenants."

Ocean State has contested its tax assessment two years running. "That's been a real issue for the town. I don't see much end in sight," said Caler-Bell.

Rockland has begun a long-range planning process to transition the area toward mixed use – including housing and professional offices – to position it as more of an extension of the downtown, she said.

### South Portland

Big box stores are said to be difficult to retrofit for other uses because absence of windows, but a church has found suitable quarters in vacant big-box space near the Maine Mall that had been occupied by Bob's Discount Furniture and Home Goods.

EastPoint Christian Church is spending \$7 million on the land and

building, and even more to convert it into a community center/church that includes a 1,500-seat auditorium, an indoor soccer field, indoor basketball court and a 40-seat cafe, according to the Portland Press Herald.

The space wouldn't have gone vacant for long because of the booming commercial market, according to South Portland Assistant Manager Joshua Reny. The downside is that because it's a church, the city will lose approximately \$123,000 year in property taxes on the 95,000 square-foot

space.

"In the grand scheme of things, we are blessed to have such a large tax base," Reny said.

### Belfast

Perhaps by chance, Belfast has dodged the ghost box bullet.

The town played hardball when Walmart expressed interest in Belfast in 2000. After two referendum votes, the city made land available on the west side of town for big-box development, but by then interest had waned



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and today Belfast remains big-box free.

Economic Development Director Thomas Kittredge won't say whether he's thankful not to be dealing with a big-box vacancy, but he does allow that, "I'm not going to miss all the drama that would be attached to their arrival."

Kittredge said he's certain some people leave town to shop at big box stores elsewhere. On the other hand, the city is proud of its mixed, diverse economy (from mom and pop stores to Bank of America and Athena Health), and he says the downtown is strong enough to weather Walmart competition.

"It's not all good. It's not all bad," he said.

Belfast has its own vacancy challenges at the 500,000 square-foot campus of the now-defunct credit-card giant, MBNA. Bank of America, which acquired MBNA, occupied some of the sprawling space but is now downsizing. Athena Health acquired 130,000 square feet and OnProcess Technology acquired 35,000 square feet.

A University of Maine Law School professor who has examined the future of ghost boxes argues that communities that allowed big-box development through their zoning provisions now bear a responsibility to deal with the consequences.

"The city decided to allow this kind of development and now that it's gone, it's harming communities. It really does impact the feel of the community" explained Sarah Schindler, author of "The Future of Abandoned Big Box Stores: Legal Solutions to the Legacies of Poor Planning Decisions," which was published in the University of Colorado Law Review.

Schindler acknowledges the range of options available to municipal leaders – from do nothing to reuse, retrofit and tear-down – are all daunting. "We, as citizens, should be (advocating) to make these changes. And the non-elected planning professionals should want to do something."

The best option in the long run may be rethinking suburbs – imagining, for example, community spaces, parks and gardens, or more dense and walkable urban development where big box stores once stood.

"Although property acquisition

and demolition costs money, even financially distressed municipalities should keep in mind the existence of a 'ghost box' is causing some distress, and their demolition and re-greening may make an economic contribution," she said.

The call for mixed use, dense walkable urban development is exactly the prescription advocated by smart growth professionals for decades.

I invited GrowSmart Maine executive director Nancy Smith to utter

an "I told you so," but she declined. Instead, Smith remarked on the proliferation of small-box stores – such as Dollar Tree and Dollar General – and the opportunity to learn from the big box experience. Now is the time to ask about long-term commitment to the community and bonds to finance demolition, should a store go vacant, she said.

"That should have been part of the conversation in the beginning," said Smith. ■

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# Summer interns can fill important roles, now and into the future

*Municipal government, like all of Maine, faces a wave of retirements in the near future. Some local leaders see paid internships as a valuable way to address that.*

By **Stephanie Bouchard**

**T**own and city leaders are always on the lookout for ways for their communities to get the best bang for their bucks. Here's a deal that should be considered: internships.

In the private sector, and in the state and federal governments, offering internships to students is fairly common. But it is rarer at the local level due, most often, to budget and staffing restrictions. Municipal administrators who have had interns say it's one of the best investments a local government can make.

Jon St. Pierre has worked for South Berwick's Public Works Department in various roles off and on for three decades, most recently as the department's director. He can't remember the department ever having an intern. College students working summer jobs or completing special public service projects, yes. But interns? No.

That is, until last summer.

South Berwick had an important project that needed doing. At the end of 2015, the Maine Department of Environmental Protection had visited the town at the request of town officials, to audit the town's storm water program. The audit resulted in a number of actions that needed to be implemented. The question then became how to get this work done and how to get it done cost effectively.

Seemingly out of the blue, a solution appeared. He received an email from the University of Maine's Margaret Chase Smith Policy Center about its Maine government summer internship program (see related article).

"I thought, 'You know what? This could work,'" St. Pierre said.

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**Stephanie Bouchard** is a freelance writer from Bath and new contributor to the *Maine Townsman*, [stephanie@stephaniebouchard.net](mailto:stephanie@stephaniebouchard.net).



**City of Saco's interns and mentors.** (Submitted photo)

## South Berwick mapping

The work that needed to be done wasn't extremely complicated or difficult work – a lot of mapping/GIS type of tasks, getting quotes, some inspection. As an engineer, St. Pierre could have done the work himself, but "every day there are 20 things I don't get done." Alternatively, the town could have hired a consultant, but at a cost of \$150 to \$200 an hour.

Or, the town could get a summer intern.

"I had to sell it (the idea of an intern) but it was an easy sell," St. Pierre said. Perry Ellsworth, the town manager, like all town managers, wanted to know how they were going to pay for an intern. There was money in the storm water budget to cover the \$250 administration fee paid to the Margaret Chase Smith Policy Center and the intern's \$5,000 salary for the 12 weeks of work over the summer.

"Once Lauren (Clum-Russell, the student intern) got here – after a couple of days, she'd sold herself," St.

Pierre said. "She was just fantastic." The work needed to be done got done and got done inexpensively.

Like St. Pierre, Union's town manager, Jay Feyler, had his first experience with an intern last summer. Feyler, too, participated in the Margaret Chase Smith Policy Center's internship program, and was likewise thrilled with the results.

Feyler wanted his intern, Eleanor Snyder of Lincolnville, a political science major at Endicott College in Massachusetts, to experience all the things a town manager does, so he exposed her to all aspects of town government, from personnel to attending meetings to assessment and codes – even to public works.

"I tried to get her to do everything, including running a backhoe and a front-end loader, which she loved," he said. The town covered her salary by taking a small amount from the budgets of each department because she was working with every department.

Feyler's impetus to bring on an in-

tern wasn't necessarily that Union had a big project that needed doing, like South Berwick did. Rather, he wanted to bring "young blood" into municipal government.

"It's an aging workforce that we have in government," Feyler said. "We need younger people to come in and look at the opportunities that are available in government."

While he recognizes that bringing interns into municipal government isn't a guarantee that they'll eventually work in local government, Feyler still thinks it is worth exposing young people to it.

"We can sit and hope younger people will get into this profession or we can become proactive and make sure we have qualified candidates to run our local governments," he said.

### Saco's 'next wave'

Saco City Administrator Kevin Sutherland couldn't agree more. "You talk about who's your next wave of city officials," he said. "How do you encourage them (young people) to even consider a job in local government? You have to expose them to it."

Working with interns is an investment of supervisory time and money, Sutherland said, but in both the short-term and the long-term, it is a good investment for any city or town.

"In the short-term, it gets things done that need to be done. In the long-term, who's going to take over these jobs when we have a mass retirement? I consider it long-term succession planning."

Before he began his role as Saco's city administrator in 2015, he had extensive experience working with interns in local government outside Maine. Knowing the benefits of interns, he included a request for them in the 2016 budget so he could get them involved in the city's governance his first summer with the city.

He, too, connected with the Margaret Chase Smith Policy Center, but was only able to get two interns from that program when he wanted more. He recruited three more students for a total of five, all paid.

Sutherland's goal was to get a quality work product from the interns, but also to get them interested in municipal government so that they may eventually find themselves working in government jobs after graduation. To that

## MAKING INTERNSHIPS WORK

If you've not had an intern before, you may be a little overwhelmed at the prospect. You want the best internship experience for you and for your interns, but how do you accomplish that? Here are some tips to make you and your interns get a valuable experience:

- Have a list of projects for your intern. It's a good idea to have more than one project or task in mind in case your intern completes projects faster than you expected or a project gets delayed or doesn't happen due to other circumstances. Make your project doable, that it can be accomplished by the end of the internship period.
- Don't give your interns busy work. Sure, mundane tasks are part of every job, but they shouldn't be the entire focus of the internship.
- Be open-minded. Young people may have new ideas about doing something that you have always done a certain way for years. Be open to exploring alternatives – even if that means getting on social media.
- If you're going to participate in the Margaret Chase Smith Policy Center program, make sure to thoroughly fill out the application, being as specific as you can. Reach out to staff at the policy center for guidance and to ask questions. A good time to talk to them is in January, before the application period starts. They can help you think about what you can offer an intern and design an internship that is valuable to both of you.
- Dedicate your time and expertise. Set aside time every week to check in with your interns. Keep the lines of communication open. Make contact with your interns before the internship begins and let them know about the environment they'll be working in. Be generous with your knowledge. Encourage them to ask questions of you and other staff members. Have them attend meetings with you, even if those meetings are not related to the project(s) they're working on so they can experience how government works. Give them constructive feedback. Learn and understand their weaknesses and strengthens and then set them up for success.



**Union intern Eleanor Snyder in the driver's seat.** (Submitted photo)

end, he gave them work that involved “more than just a scanner project.”

With his assistant out on maternity leave, each of the interns took turns filling in for her, which meant they each had time “on the front lines” interacting with Saco residents coming into town hall.

And each had specific projects that ranged from getting a grant in cooperation with the City of Biddeford to finding an opioid outreach worker to overhauling the city’s annual report and developing a new template for the report to be used going forward. Another intern worked on getting the city designated as an age-friendly community, as part of AARP’s and the World Health Organization’s age-friendly communities network.

“You might be hesitant to do this at first (getting interns) and hesitant to spend a few dollars,” Sutherland said, “but you’ll get back more than what you put in.”

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## Pay it forward

Government internships don’t just benefit cities and towns who get needed work done for low cost and potentially develop a future workforce. They help the interns, too.

The most obvious benefit interns get is professional work experience, which they can add to their developing resumes. Internships in state and

municipal government also help student interns figure out what they want to do in their future careers, by making them realize the varied options available in public service.

“I never realized the number of options available in state and municipal government prior to the internship,” wrote Kyrie Johnson in an email from Ireland, where she is studying

## About Margaret Chase Smith Policy Center’s internship program

David Leach calls the Margaret Chase Smith Policy Center’s Maine government internship program “a godsend” to the state’s Bureau of Consumer Credit Protection, where he is an examiner and internship supervisor.

Leach, who is a member of the policy center’s internship program selection committee, said the bureau has had interns for years and uses them for a variety of important tasks, including complaint investigations. However, their primary projects are helping him create consumer guidance booklets, such as the two he and his intern from last summer, Kyrie Johnson, did: “On the Money: A Young Person’s Guide to Personal Finance,” and “High Interest, High Cost Loans.”

“You get a great opportunity to get some great things done for a reasonable amount of money, and who knows? Maybe identify someone you might hire down the road,” he said.

The Maine government internship program was established by the state legislature in 1967 and for many decades, primarily placed interns with state agencies. But in recent years, the Margaret Chase Smith Policy Center has been reaching out to municipalities to invite them to participate in, and reap the benefits of, having an intern as well as offering students more opportunities.

“It’s all about providing meaningful learning experiences for Maine college students,” said Charlie Morris, associate director of the policy center and director of the summer internship program. “We can appreciate that (the municipalities) have got work they want to get done and we can appreciate that boy, they’d really like to train some people to be their next town administrator or whatever, but our perspective is a little larger than that. Here’s an opportunity to teach some college students about how we do government.”

Morris and his team at the policy center solicit applications from state agencies and municipalities seeking interns and from college students seeking a governmental internship. The number of students placed varies from year to year, partly dependent on how many requests for interns come in and how many of those requests can be accommodated. Sometimes, for instance, a request for an intern can’t be accommodated because no student applies who lives in the area of the town requesting the intern.

In 2016, 121 students applied and 39 were placed. To be eligible for the program, students must have completed at least two years of college and must be enrolled in Maine colleges or are Maine residents attending college outside the state.

Municipalities that participate in the program pay the policy center a \$250 administrative fee for the policy staff to process paperwork, advise participants, help design internships and vet and match the student candidates. Municipalities are responsible for paying the interns a salary. The current per-hour rate to pay interns is \$10 an hour. The interns work full-time for 12 weeks from mid- to late-May until mid-August.

Applications for the internship program are closed for this summer. The application period for next summer will open in February 2018. If you are interested in participating in the program or just want to chat about the possibility of offering internships in your town or city, contact the policy center at 581-1648 or go online at <https://mcpolicycenter.umaine.edu/for-students/maine-government-summer-internship-program>.

– Stephanie Bouchard

abroad for the semester.

Johnson, of Farmingdale, is an economics major with a minor in anthropology at Wheaton College in Massachusetts. She interned last summer in Maine's Bureau of Consumer Credit Protection, where she helped produce two consumer credit protection booklets. It was her first government internship.

"I am definitely considering a career in public service because of it," she wrote. This year, she has applied for an internship in U.S. Sen. Susan Collins' Augusta office.

Working for the City of Saco was an eye-opening experience for intern Margaret "Margo" Boothby, a resident of Portland who moved to the U.S. from Poland in 2002. Boothby is a nontraditional student in the MBA program at the University of Southern Maine's School of Business.

Like many young people, Boothby hadn't been exposed to the internal workings of municipal government, so when she interned in Saco last summer, she was surprised and impressed by the varied dynamics of how each department interacts with each other

to get the work of running a city done and the creativity and innovation that power local government.

The biggest take-away for her from her internship was how much of an impact she could have on a community by working in municipal government.

"The state government feels a little

more removed, more complicated," she said. "But in municipal (government), you're involved directly in the matters that impact the people you share the community with. That was really a nice thing to see."

Boothby is graduating this May and hopes to one day work in municipal government. ■

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The advertisement features a black and white photograph of a road stretching into the distance, flanked by tall grass. A large, white, rounded rectangular sign stands in the field, containing the text: "EASY WEB DEVELOPMENT AHEAD WWW.GOVOFFICE.COM". In the bottom left corner, the "gov office" logo is displayed. The bottom right corner contains the text: "Serving over 1,000 local governments | Sponsored by the Maine Municipal Association The Easy - Affordable Municipal Web Development System".

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## 2017 Keynote Speaker

### Dr. Kay Potetz

Our keynote speaker, Dr. Kay Potetz, is a management consultant and sought-after presenter who has been leading conferences like this one since the early 1980s. She spent over 25 years in administrative and management capacities in the health care field, including serving as vice-president for a Cleveland hospital.

Suffice it to say she has witnessed a great deal of change and that's why she's coming here, to tell us: "It Ain't the Same, and It Never Will Be."

Dr. Potetz also leads programs on: Time Management, Change, Team Building, Communication Skills, Emotional Intelligence, Dealing with Difficult People, Delegation and Stress Management. She has spoken to hundreds of groups in health care, education, technology and the private sector.

# 2017 Municipal Technology Conference

## Preliminary Program

**8:00 a.m. – 8:45 a.m.**

Registration & Continental Breakfast/Visit with Partners

**8:45 a.m. – 9:00 a.m. – Welcome**

Stephen W. Gove, Executive Director, Maine Municipal Association  
Linda Cohen, Councilor, City of South Portland

**9:00 a.m. – 9:45 a.m. – Keynote Address**

### **Change Just Won't Quit: Deal with It**

Dr. Kay Potetz is a consultant with over 25 years of administrative and management experience in the health care field, who has witnessed a great deal of change! That's why she is here to tell us: "It Ain't the Same, and It Never Will Be." Dr. Potetz has spoken to hundreds of groups in the health care, education and technology fields.

*MTCMA Certification – .75 points Leadership category*

**9:45 a.m. – 10:00 a.m. – Morning Break/Visit with Partners**

**10:00 a.m. – 11:00 a.m. Concurrent Sessions**

### **The Law and Protecting HIPAA Data**

Learn about the laws that govern the retention and disclosure of a public entity's electronic records. What electronic records are public records under Maine's Freedom of Access Act and what electronic records are confidential under Maine law or federal law, such as the Health Insurance Portability and Accountability Act (HIPAA)? This session will also cover best practices for maintaining such records and providing access to them when appropriate under the applicable laws. This topic is important for all municipal officials and may be of particular interest to human resources professionals, public safety officials, public access officers and General Assistance administrators.

*Presenters: Alyssa Tibbetts and Natalie Burns, Attorneys, Jensen Baird Gardner & Henry*  
*MTCMA Certification – 1 point Legal and Human Resources categories*

### **Mobile Security & Forensics**

This session will discuss mobile device security and introduce mobile forensics. We will look at the risks and vulnerabilities of mobile devices, methods to secure mobile devices within the workplace, and security models associated with the most common mobile operating systems. We will introduce methods to incorporate mobile forensics into a Mobile Device Policy.

*Presenter: Henry Felch, Assistant Professor, Computer Information Systems, University of Maine at Augusta*

*MTCMA Certification – 1 point Leadership and Human Resources categories*

### **Airborne Topo-bathy LIDAR (30-minute session)**

Airborne Topo-bathy LiDAR has become more widely used in recent years to assist in the management of water (coastal and river) projects either for maintenance, like floodplain mapping, or incident response, like in the wake of Hurricane Sandy. We will discuss what Topo-Bathy is, how it is acquired, and what datasets can be generated to assist your municipality.

*Presenter: Drew Meren, Quantum Spatial*

### **The 3D Elevation Program (3DEP) (30-minute session, follows Airborne Topo-bathy)**

The second part of this session will address the primary goal of 3DEP: To systematically collect enhanced elevation data in the form of high-quality light detection and ranging (lidar) data over the United States, Hawaii, and the U.S. territories over an eight-year

period. Interferometric synthetic aperture radar (IfSAR) data will be collected over Alaska. A 2015 USGS Broad Agency Announcement (BAA) established a competitive solicitation procedure for partnering with federal agencies for lidar acquisition. So far, 3DEP has provided funds in partnership with 54 projects yielding over 200,000 square miles of high-quality elevation products.

*Presenter: Dan Walters, USGS, National Map Liaison for ME, MA & RI*

### **Municipal Planning Grants: Lessons Learned**

Learn about the status of and lessons learned from some of the first four recipients of ConnectME Authority Planning Grant awards.

*Panelists: TBD*

**11:00 a.m. – 11:15 a.m. – Morning Break/Visit with Partners**

**11:15 a.m. – 12:15 p.m. Concurrent Sessions**

### **Maine's Cyber Threat Landscape**

Cameron Wellman, MEMA's Cybersecurity Coordinator, will provide an overview of the emerging and current cyber threats to the State of Maine. He will discuss the cyber vulnerabilities of the 16 critical infrastructure sectors and how they pertain to state and local government. Focus will be given to tactics, techniques and procedures (TTPs) currently being used by cybercriminals and hackers. The presentation will end with a look at mitigation strategies as well as cyber response recommendations.

*Presenter: Cameron Wellman, Cybersecurity Coordinator, Maine Emergency Management Agency (MEMA)*

*MTCMA Certification – 1 point Leadership category*

### **Up Time All the Time: Doing Business in the Cloud**

Record retention and disaster recovery can be all-consuming for your IT staff and if you don't have dedicated IT staff, it can be a nightmare. Doing business in the cloud can free up IT staff for more important tasks, or provide you with virtual IT staff to ensure compliance when your budget doesn't permit an on-site IT person. Mark Stone will explain why "Up Time All the Time" is his mantra.

*Presenter: Mark Stone, General Manager of Managed and Private-Hybrid Cloud Services, Reliable Networks, OTT Communications' Managed Services Division*

*MTCMA Certification – 1 point Leadership and Finance/Budget categories*

### **Accessing Spatial Information from MaineDOT Data (30-minute session)**

Have you ever had a need to use spatial transportation information in your job, but didn't know where to find the most current information? People have many uses for spatial transportation information including local planning, freight management and economic development. This session will review the different ways any user can access public information available from the Maine Department of Transportation. We will cover access via Open Data Portals and custom mapping applications with live demonstrations that all attendees will be able to utilize in their own work as needed.

*Presenter: Tom Lynch, Maine DOT*

### **VETRO FiberMap: A Broadband GIS Platform (30-minute session, following Accessing Spatial)**

VETRO FiberMap is a new broadband network mapping solution for small and mid-sized ISPs and their partners planning and deploying fiber optic networks. This web-based mapping platform was launched in 2016 by NBT Solutions of Portland, and is being adopted by ISPs around the U.S. and here in Maine. The platform delivers robust network design, engineering and inventory tools for network engineering, coupled with market planning, reporting and ROI analysis, and sales qualification

features. Company co-founder Will Mitchell will present an introduction to the platform and share experiences relating to mapping data for local broadband planning.

*Presenter: Will Mitchell, NBT Solutions*

*.5 CMA/CAT re-certification credits through Maine Revenue Services*

### **Broadband Implementation Grants: Lessons Learned**

Hear from Implementation Grant Program awardees – including both first-time and repeat recipients – about the challenges and successes of expanding broadband services in Maine.

*Panelists: TBD*

### **12:15 p.m. – 1:30 p.m. Buffet Luncheon**

#### **12:45 p.m. – 1:30 p.m. Luncheon Address: Why Geography Matters**

How often do you wonder what the impacts of various policy options would be on your community? Have you thought there must be a better way than a spreadsheet to tell the story of the work that you do? Or, have you felt that the data you collect should be able to tell you more about what is going on in your community? Have you had to photocopy three tax maps and tape them together and color them in order to explain the possibilities of a particular location? Then you have been thinking about geography. We will discuss how you can use principles of geography to leverage the data municipalities deal with every day to provide better service and enhance understanding of policy choices within the community.

Judy Colby-George is the owner of Spatial Alternatives, a GIS consulting firm in Yarmouth. She has been providing GIS services to municipalities in Maine for the past 25 years. She has worked with a large number of communities to help them use geospatial tools to enhance services and engage the public in complex policy issues, including environmental decisions and land use policy.

*Presenter: Judy Colby-George, Spatial Alternatives*

### **1:30 p.m. – 1:45 p.m. – Afternoon Break/Visit with Partners**

### **1:45 p.m. – 2:45 p.m. Concurrent Sessions**

#### **Budgeting: How to Set Up Your Town Office, Cost Effectively**

Matt Eaton and Rob Herman of Workgroup Technologies will help you identify your office's IT needs and will provide advice on how to operate your IT programs, all while staying within your budget. They also will introduce and discuss some of the cloud computing options available today.

*Presenters: Matt Eaton, IT Service Consultant, Workgroup Technologies and Rob Herman, Senior Consulting Engineer, Workgroup Technologies*

*MTCMA Certification – 1 point Finance/Budget category*

#### **Social Media Dos & Don'ts**

Social media are popular among citizens, so Facebook, Twitter, YouTube and other tools have become effective ways to communicate – if used properly. This session provides municipal officials and staff with important information that will help in planning and implementation of a social media strategy. The discussion will include sample policies, potential benefits and possible concerns, a review of key laws and legal considerations.

*Presenters: Michael Stultz, Staff Attorney, MMA's Legal Services Department; Detective Dorothy Small, Ellsworth City Police Department; Eric Conrad, Director of Communication & Educational Services, MMA*

*MTCMA Certification – 1 point Legal, Human Resources and Ethics categories*

#### **The National Hydrography Requirements and Benefits Study (30-minute session)**

The National Hydrography Requirements and Benefits Study (HRBS) was performed to establish a baseline understanding of national business uses, needs and associated benefits for national hydrography data, and to inform the design of an enhanced

future program that balances requirements, benefits and costs. The study, sponsored by U.S. Geological Survey (USGS) and the U.S. Department of Agriculture's Natural Resources Conservation Service, was completed in May 2016. Analysis of the results found that an improved national hydrography program has the potential to help users realize an estimated \$602.5 million in annual program benefits if all reported requirements were met. This presentation will provide a review of the HRBS and USGS plans for using the results.

*Presenter: Dan Walters, USGS, National Map Liaison for ME, MA & RI*

#### **Maine GeoLibrary Data and Programs (30-minute session, following National Hydrography)**

Low-cost imagery for Maine towns, high-resolution topographic data and hundreds of other data layers are available from the GeoLibrary and Maine Office of GIS. Learn how to access the data and participate in the programs to acquire high resolution data for your community. There will also be a discussion of the current bond proposal to support the development of geospatial data.

*Presenters: Joe Young, Maine Office of GIS and Jon Giles, Maine GeoLibrary Board*

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#### **What ConnectME Authority Grant Programs Have Done for Broadband Expansion in Maine**

Following the successful Broadband Day event at the State House Hall of Flags in January, learn how some awardees have successfully leveraged ConnectME Authority funding to do great things for their communities and service areas.

*Panelists: TBD*

### **2:45 p.m. – 3:00 p.m. – Afternoon Break/Visit with Partners**

### **3:00 p.m. – 4:00 p.m. Concurrent Sessions**

#### **Budgeting: How to Save Money in IT**

Chris Claudio, CEO of Winxnet, will explain how to develop a strategic IT plan and the best practices for utilizing IT as a strategic vessel. He will also discuss how important it is to create a strategic plan that converts your business goals into actionable initiatives that drive IT budgeting.

*Presenter: Chris Claudio, CEO, Winxnet*

*MTCMA Certification – 1 point Finance/Budget category*

#### **Approaching Retirement? How to be Tech Ready**

This presentation will introduce you to a world of technology that will get you "tech-ready" for your next adventure. We'll discuss social media and communication tools, online opportunities, devices and tips n' tricks to stay safe online. There will even be a "Help Desk" portion where you can ask your tech support questions!

*Presenter: Lisa Blue, Technology Support Coordinator, Maine Association of Retirees*

#### **GIS, Mapping, & Spatial Awareness for Your Fire Department**

Driver training, mapping detours and identifying target hazards are just a few of the endless functions offered by modern mapping technology. But many firefighters, chief officers and fire officials may find these technologies perplexing. This talk demystifies the options and showcases ideas for utilizing spatially-based GIS and mapping services.

*Presenter: Vicki Schmidt, Maine Fire Instructor/Training Officer, Buckfield Fire Department*

#### **Broadband Roundtable: Current Laws and Thoughts on the Future**

Hear current news and thoughts on the future of broadband from some of the more active and involved parties in Maine.

*Panelists: TBD*

### **4:00 p.m. – 5:00 p.m. – Maine GIS User Group Board Meeting**

# 2017 Municipal Technology Conference

Thursday, May 11, 2017 – DoubleTree by Hilton, So. Portland, ME  
(Sponsored by: Maine Municipal Association & Maine GIS User Group • In cooperation with: ConnectME Authority)

## ATTENDEE REGISTRATION FORM

### Registration Type *(please check ONE):*

- MMA Member Municipality/Patron/Non-Profit/State Agency-\$70.00  
 Non Member Municipality-\$140.00    MEGUG Member-\$70.00 /  ConnectME Authority Affiliate-\$70.00 /  Business Representative-\$100.00

### Billing Information:

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Billing Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

### Name Badge Information *(Name badge will read as indicated here):*

First Name: \_\_\_\_\_

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**Payment Options:**    Send invoice\*    Check will be mailed\*\*    Payment Enclosed\*\*   PO #: \_\_\_\_\_

*(\*You will be invoiced after the Conference – \*\*Please send a copy of this registration form with payment)*

**Fax registration form to:** (207) 626-5947   **Mail form to:** Municipal Technology Conference Registration, Maine Municipal Association, 60 Community Drive, Augusta, ME 04330. Please make check payable to: Maine Municipal Association.

**Overnight Rooms:** An overnight room block has been set up at the DoubleTree by Hilton for \$106.00/night plus tax on Wednesday, May 10, 2017. Room block is available until April 19, 2017 (release date). Reference "MMA" and call (800) 560-7753 for reservations.

**Questions/Cancellations:** Cancellation notification must be given in writing at least 72 hours before the conference. Any cancellation received after the 72 hour deadline will be charged the full registration fee. All cancellations are subject to a \$10 administrative fee for processing. Please go to <http://www.memun.org/TrainingResources/WorkshopsTraining/Cancellations.aspx> to cancel. If you have any questions please contact the Educational Services Office at (800) 452-8786 or (207) 623-8428.

**Dietary Requirements:** We do our best to plan meals according to general dietary guidelines. If you have a specific dietary restriction, please call our office at least 5 business days prior to the start of the event. Please note that we are not able to accommodate onsite requests, as catering planning happens in advance of the event.

**In order to ensure your complete participation, we would appreciate being informed of any special requirements you may have due to a disability.**

# The Municipal RISK MANAGER

SPRING 2017

A Publication of the Maine Municipal Association

## Message from the Director Pat Kablitz

We are very pleased to begin the 30<sup>th</sup> anniversary celebration of the MMA Property & Casualty Pool and want to thank all our members for their continued participation and trust.

In this article, I want to take a more global review of the concept of pooling. It has been a success for municipal government not just in Maine, but across the entire country. There are three important things that have led to this success. In brief, pools are about *partnership, performance, and service*.

- These partnerships first emerged in the early 1970s, when local public entities formed risk pools to reduce and stabilize long-term insurance costs and ensure access to the coverage and service necessary to sustain critical local government functions.

- It worked: Pools' performance has been consistently strong. Pools have sustained excellent financial performance, generated coverage innovations, and helped focus public entities on risk management as an operational priority.

- Even better, pools have become models of public-sector service – by providing outstanding service to their members, by promoting public entity collaboration, and by showing how local governments and schools can improve service to the public through long-range planning and collaboration.

Today at least 80 percent of this nation's 90,000 or so public entities participate in one or more risk pools. Some pools offer only certain kinds of coverage, such as workers' compensation or liability, or health benefits; others offer multiple lines of coverage.



Some pools serve only certain kinds of public entities, such as school districts.

All pools work to decrease financial risk to taxpayers created by routine, unanticipated and catastrophic events. Pools embody the ideal of local control because pools are crafted to meet the specific needs of their public entity members.

Pools differ from commercial insurers in many ways. For one thing, pools don't measure success by profits. Instead, under the guidance of boards elected by pool members, pools provide services, coverage, and risk management tools with the singular goal of serving their members. They strive to reduce members' risk and, in the process, save public funds and improve outcomes for local governments and their taxpayers.

Pool members share accountability with one another because members essentially co-own the pool. Members rely on one another not just for coverage, claims management, and loss control but also for new ideas, best practices, and help solving problems. This culture of collaboration eases the burden of year-to-year volatility in claims costs, intensifies pool members'

interest in loss control and claim management, and improves the quality of local government.

Pools have sustained excellent financial performance, generated coverage innovations, and helped focus public entities on risk management as an operational priority. And strong financial performance means taxpayer savings. It is estimated that pools have saved taxpayers billions of dollars. They don't seek profits. They spend less on overhead, marketing, and "middlemen." They are exempt from some taxes. While year-to-year pricing may fluctuate, pools have definitively proven to cost less than commercial insurance. And, most importantly, pools understand local government risks and needs and work with members to avoid losses that would otherwise inflate taxpayer costs.

A Swedish proverb holds that the best place to find a helping hand is often at the end of your own arm. Pooling exemplifies that value. Please let me know if I can tell you more. ■

### Welcome New Members

**Property & Casualty Pool**  
Town of Baldwin

**Workers Compensation Fund**  
Town of Baldwin

**Unemployment  
Compensation Fund**  
Town of Randolph

# Protect Yourself And Protect Your Staff

## Embezzlement Prevention

Fraud isn't just limited to large commercial entities. Unfortunately, it can and does occur here in Maine and even in our local municipalities and utility districts, but with the proper resources and internal controls in place, you can do a lot to prevent your entity from falling victim to a damaging (and costly) claim.

### Embezzlement red flags: (What to look for)

Embezzlement is the misappropriation of entrusted funds by someone designated to safeguard. In our municipalities, these people can be town clerks, treasurers, tax collectors, finance officers, transfer station attendants, recreation departments or anyone who is designated to handle your entity's money.

While every case is different, there are three factors that are typically needed for fraud to occur, called the "fraud triangle":

**Temptation/Need:** An employee that is dealing with financially difficult issues such as a divorce, a sick child or parent, foreclosure, or other financial challenges may resort to desperate measures to try to fix their situation.

**Opportunity:** The lack of internal controls and duplications of duties creates the "Opportunity" for a fraud event to occur. This problem has become even

more problematic because we are all forced to do more with less. Budget cuts can lead to cutting staff — which can also mean fewer people to manage and monitor your money and enforce internal controls. If this sounds familiar, we recommend that your Boards and Councils step up to assume these duties and ensure that the proper oversight is in place.

**Ability to justify illegal behavior:** Employees may have a need that arises, and "borrow" money to fulfill that need. They rationalize taking money by saying that they intend to pay it back or they feel that they are overworked and under appreciated so they deserve the funds they have stolen.

Other employee red flags can include someone who is:

- Always at work and never asks for vacation.
- Reluctant to delegate duties to others and doesn't share information.
- Defensive, and wants to protect their job responsibilities related to accessing money.
- Living a lifestyle beyond their apparent means.
- Inappropriate relationship with vendors or other employees.

### How to reduce your risk of fraud

Essentially all you need to do is protect your employees and limit the opportu-

nities for theft.

• **Establish and maintain an effective internal control structure:** This may be the single most important tool you can employ to reduce your exposure of a loss. Internal controls set policies and procedures for employees who handle money, as well as the people who manage them.

• **Segregate job duties:** Don't just trust one or a few employees to manage your finances. If you're a small entity and your resources are limited, ask your elected officials to keep an eye on things, too.

• **Conduct inspections and annual audits:** While the main purpose of an audit isn't to find fraud or to analyze your internal controls, your Auditor can help identify any issues or discrepancies which may lead to an embezzlement and assist you with recommendations to prevent such an event.

Sometimes, even having all the right controls and policies in place can't prevent fraud from occurring. And if it does, and you are a member of the Property & Casualty Pool we have you covered. Our crime coverage includes employee theft and embezzlement with policy limits starting at \$100,000. However, if you find that you are in need of higher limits we do offer optional limits of \$250,000, \$500,000, \$750,000 and \$1 million. For more information please contact your underwriting representative. ■



#### The Municipal Risk Manager

The Municipal Risk Manager is published seasonally to inform you of developments in municipal risk management which may be of interest to you in your daily business activities. The information in these articles is general in nature and should not be considered advice for any specific risk management or legal question; you should consult with legal counsel or other qualified professional of your own choice.

**Publisher:** Risk Management Services

**Editor:** Marcus Ballou

**Layout Designer:** Jaime G. Clark

P.O. Box 9109, Augusta, ME 04332-9109

1-800-590-5583 or (207) 626-5583

### Property & Casualty Pool Renewal Reminder

We would like to thank our Members for their cooperation with the completion of the Property & Casualty renewal applications. The Property & Casualty Pool renewal application was due by March 31, 2017. Your 2017 Pool renewal application is an important part of the renewal process. We want our Members to know that help is available. If you would like assistance with the completion of your application or just have a question, please contact Marcus Ballou (mballou@memun.org) at 1-(800) 590- 5583, so that we can help.

*Serving Maine Communities Is What We Do And All We Do*

# Spring into Action to Avoid Trouble

Now that spring “is just around the corner”, this is a good time to look for trouble spots that may have crept in over the winter months. Spotting hazards early, especially when they are small, can save you money, time and trouble if they are addressed before turning into a big problem. Water intrusion in particular can cause huge problems if not corrected promptly.

Once the snow is clear, inspect roof lines, roof condition and the integrity of structural members.



## Roof Exterior

- Is the ridgeline sagging?
- Is there any sagging or bowing of rafters?
- Is there any dishing or “swale” development noted in the roof itself?
- Any bowing or deformity at the eaves?
- Is flashing intact?
- Are shingles curled, “fish mouthed” or missing?
- If a membrane roof, is roof membrane intact, with no cracking, uplifting or blisters? Are there areas of ponded water? Are seams intact?
- Are roof drains functioning and clear of debris?

## Roof Interior

- Inspect for cracking of rafters, trusses, or structural members.
- Any water staining, “dry rot”, or insect damage to sheathing and structural members?



*This photograph displays evidence of water damage and staining.*

- Any separation of rafters, joists or trusses from wall headers or from other structural members?
- Any wet or moldy insulation?
- Any signs that rodents may have moved in over the winter, such as droppings, chewed insulation, etc.?

## Building Interior

- Any signs of water intrusion such as stains on ceilings or walls, peeling paint, mold or mildew?
- Any signs of building deflection such as jammed or sticking windows or doors, cracking in walls, shifting ceiling or door moldings?

## Steps, Walkways and Parking Areas

- Any frost damage, such as cracking, missing masonry, heaving or potholes?
- Is walkway lighting and parking area lighting working properly?
- Is water pooling near entrances which may cause water infiltration?

## Basements:

- Any standing water?
- If sump pumps are in place, are they operational?
- Any signs, of mold, mildew, water staining or excessive moisture?
- Any signs of rodent infestation?

## General housekeeping:

- Check exits and stairwells and remove any clutter that may have accumulated over the winter.
- Boiler rooms are not storage areas! Remove any clutter that may have snuck in over the winter.

## Heating and Cooling

- Check the air conditioning system before the summer heat uncovers any “surprise” issues.
- Check the boiler and heating system for any issues that may have developed over the heating season.

The inspections of the exterior of your buildings are a good practice to make sure exterior lighting is working properly, siding is intact, gutters and downspouts are in good condition, and no water is pooling against the foundation. If the building is located in an area prone to accumulations of surface water, check nearby culverts and drainage ditches to make they are flowing and free of debris.

Now is the right time to inspect and detect problems so they can be addressed before bigger problems develop. For more information, please contact your MMA Risk Management Services Loss Control Consultant. ■



## Sewer Backups – Don't Step into a Mess

When a sewer backup occurs, homeowners often look to the municipality or sewer district for help with cleaning up the mess. For many folks it seems almost impossible to imagine that a backup might not be the responsibility of their service provider. Furthermore, it may be



tempting for a municipal sewer department or a sewer district to pay small losses as a gesture of good will, even when they know the loss is not the result of their negligence. However, it is never a good idea to pay losses for which you are not liable. Doing so only creates an expectation by the public you serve that all sewer backups they may suffer will be paid by your entity. When the large loss occurs for which you are not negligent, and you decide it is too expensive to make the good will gesture to pay the loss, you can imagine how your reputation will be damaged. You may well find yourself the target of a lawsuit by an angry customer. Municipal or sewer district employees or representatives should never tell a property owner that the municipality or the district will “take care of” damages incurred from a sewer backup.

### The governing state sewer statute Title 30-A §3403 states:

“After a public drain has been constructed and any person has paid for connecting with it, the municipality shall maintain and keep it in repair to afford sufficient and suitable flow for all drainage entitled to pass through it, but its course may be altered or other sufficient and suitable drains may be substituted in its place. If the municipality does not so maintain and keep it in repair, any person entitled to drainage through it may have an action against the municipality for damages sustained by the municipality’s neglect”.

Therefore, a municipal sewer depart-

ment or sewer district with a regular, annual sewer line maintenance program in effect (that is being carried out and documented) may be found exempt when a sewer backup claim is presented. If the line has been maintained and an unforeseen event such as a flushed towel or a heavy rainstorm or flood causes the back up, then there is no negligence and hence no legal obligation to pay for the claim. One must remember that Pool coverage or commercial insurance coverage is not intended to replace the necessary expenditures for regular maintenance.

Due to the potential of a costly claim, it is important to develop a regularly scheduled maintenance and inspection program for your sewer system. When determining a schedule, remember that in the event of a sanitary sewer backup, you will be liable if you are found negligent if reasonable maintenance and documentation of that maintenance has not been done. Unfortunately, no definition of “reasonable maintenance” exists in State, Federal or case law. Since the statute and the Courts have not defined what constitutes reasonable maintenance, the Pool’s legal advisors have recommended the cleaning and inspection of every line at least once a year. This action would include pump systems that move the sewage as well. An entity that fails to properly maintain its sewer lines and public connections is running the risk of paying for claims under the statute. We understand that cleaning every line at least once a year may not be possible for some entities to accomplish. However, a yearly documented inspection of the line for suitable flow may constitute reasonable maintenance. Please keep in mind that if you are aware of a problem line or a sanitary sewer component that needs more frequent servicing, you should modify your maintenance

schedule to allow for more inspections. Once there is knowledge of a need for increased maintenance, it is unlikely to be considered reasonable if that need goes ignored.

Whether a municipal sewer department or sewer district is provided coverage by the Maine Municipal Association Property & Casualty Pool or a commercial insurance company, the only amounts that should be paid for sewer backup claims are those for which the entity is legally liable. Sewer backups can be the result of many different events and causes. It is important to report all claims to MMA or your commercial insurance company and allow them to investigate the circumstances of the loss, determine whether or not there was negligence on the part of your entity, and to properly administer the loss.

If you would like assistance in developing a line maintenance program or have questions with regards to proper claims handling procedures, please contact us and we will be happy to assist you. ■■

### What to do if there is a sewer backup claim:

#### Document:

- What you observed
- What was said to you and by you
- Extent of the damages
- Report the claim to your insurer

#### Physical Evidence:

- Preserve all evidence
- Take photographs
- Write down items impacted by the loss

#### Do:

- Be courteous
- Be compassionate
- Be concerned
- Provide insurance contact information

#### Don't:

- Admit fault
- Say: “We will take care of this”
- Promise to pay
- Offer to clean their property

# Cyber update: Free speech, FOAA and website privacy policies

*Social media are effective and inexpensive ways for municipalities to inform citizens. However, this is written communication. Legal requirements must be followed.*

By Sigmund D. Schutz, Stephen E.F. Langsdorf and Kevin J. Haskins, Attorneys, Preti Flaherty

Municipalities are increasingly using digital tools to engage with the public. Social media and websites are perhaps the most common tools used by municipalities to develop their internet presence. However, municipalities use them in very different ways. Some municipalities use social media simply to provide timely updates about storm closures, municipal events, or other similar notifications. Others use social media more interactively to exchange information with the public, which can result in a site being used as a channel for reporting complaints or discussion of other substantive issues.

Municipalities need to be aware that these different uses have different legal implications. This article highlights some of the key issues municipalities must consider for social media and websites. Although there is no one-size-fits-all approach to using these tools, there are steps that municipalities can take to ensure that growing their online presence remains compliant and manageable.

## Free speech considerations

Many municipalities have a social media presence on Facebook or other platforms, and some have adopted policies that allow public comment on their websites. According to one court, a social media page “is a public-facing platform through which public figures and organizations may engage with their audience or constituency.”

Are municipalities free to moderate any comments on social media (for example, by deleting comments

critical of local officials) at their unfettered discretion? The law is not well settled, but according to one court (*Davison v. Loudoun Cty Bd. of Supervisors*, 2016 WL 4801617 (E.D. Va. Sept. 14, 2016)), the answer to that question is “no” – care must be used. Once local government adopts a social media comment policy, it “is bound to abide by its terms.”

A particular social media website may be deemed to create a “metaphysical” limited public forum, and thus the removal of comments critical of the government entity operating the website may be content based censorship in violation of the First Amendment. Once government officials “suppress comments in violation of” an applicable social media policy, “their actions implicate the commenters’ First Amendment rights.” The First Amendment may apply to municipal social media websites, particularly those that allow public comments, just as it does to speech in other contexts.

## Freedom of Access Act

Municipalities must also be aware that communications posted on a municipal website or social media site may qualify as public records and that it is the *content* – not the *format* – of the communications that govern their status. There is no special exclusion under the public records law for communications that are posted on social media or other electronic platforms. Maine’s Freedom of Access Act (“FOAA”) extends broadly to “any written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained.” (1 M.R.S.A. § 402(3)). Municipalities may not ignore their

obligations under FOAA simply because a communication is transmitted via social media, rather than another format.

In general, if a post on a municipal site is sent or received in connection with municipal business, then the post likely will qualify as a public record. Where municipal internet sites are established primarily to engage with the public on municipal issues, the result is that communications on those sites may qualify as public records more often than not. Municipalities should keep in mind that public records laws are liberally construed by the courts in favor of public disclosure.

Most social media sites are hosted by third-party providers such as Facebook and Twitter. Like everyone else, municipalities are subject to each provider’s terms of service and have limited control over how posted content is maintained. As a result, municipalities usually will not be able to satisfy their FOAA obligations by relying on the service terms of the providers hosting their sites. Municipalities have an independent obligation to ensure that their data retention policies comply with the FOAA. The same generally holds true with respect to municipal websites, although municipalities have control over their own websites.

How long do municipalities need to retain communications that appear on their sites? The answer is that it depends on the content of the communications. The first step is to determine whether the site contains the only copy of the public record. If what is posted on a site is a duplicate copy of material that is already being retained in another format, then the post does not need to be retained any longer

*The authors are attorneys for the law firm Preti Flaherty, working out of Portland and Augusta. Mr. Schutz can be reached at: [sschutz@preti.com](mailto:sschutz@preti.com).*

than is necessary. This may be the case for much of the content that municipalities put on their websites, because websites often serve as an alternative repository for information that is already available to the public and that is stored elsewhere in a different format.

On the other hand, if a site contains the only record copy of the communication, the next step is to determine what retention schedule should apply given the communication's content. This can be a difficult task, because content on a social media site can vary widely, particularly where a municipality has made its site interactive with the public. As a general rule, municipalities should apply the same retention principles to social media posts that they would apply if the posts were in a physical form or in email. Municipalities may find it helpful to refer to the retention schedules for state and local government records published by the Maine State Archives for guidance. For example, posts that contain complaints or substantive requests for advice would likely have a longer retention period than communications that request or convey only basic information and that otherwise

have only short-term value. Transitory correspondence that falls in this latter category would likely not need to be retained for longer than sixty days.

### Website privacy policies

Turning to websites specifically, every municipal website should include a publicly accessible privacy policy. A privacy policy is a statement that addresses significant data collection and use practices. Most commercial websites now post some sort of privacy

policy, most often at a link labeled with the word "privacy" found at the bottom of the home page of the website. Many, but not all, municipal websites in Maine also include a privacy policy. All should, because privacy policies are not optional.

Under Maine's notice of information practices law (Title 1, Chapter 14-A), municipalities must include notice of their information practices on their websites. The notice must inform the public about what personal informa-

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tion is being collected by the website, how it is used, the circumstances under which it may be disclosed, the extent to which users have a choice of whether to provide personal information and the consequences of not doing so, how to access and correct personal information, and what security measures are taken to prevent improper use or unauthorized access to that information. A policy must be tailored to each municipality's data collection practices.

The law on privacy policies boils down to requiring that municipalities "say what they do and do what they say – to conspicuously post a privacy policy and to comply with it" – per the California Attorney General's Office, which has spent a great deal of time discussing privacy issues with Silicon Valley.

#### Final thoughts: Do's and don'ts

Digital technology makes it easier than ever for municipalities to engage

with the public. Municipalities must recognize that as they increase their interaction with the public online, they may increase their legal obligations. Municipalities therefore need to be proactive in how they manage their online presence.

First and foremost, municipalities must adopt and implement adequate policies. This includes, in addition to a website privacy policy, a technology policy that addresses social media. The policy should explain that communications posted to municipal sites are sub-

ject to the FOAA. It should also clarify which employees have the authority to post and monitor material on behalf of the municipality; doing so not only makes it easier for a municipality to maintain a consistent "voice," it also helps to focus the content of posted material, which in turn can make the content easier to manage as a public record.

To alleviate potential headaches, the policy should also limit the scope of permissible content and clarify that social media sites are not to be used



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by the public for official communications with the municipality, filing complaints, providing required notices, or other similar communications for which a proper channel already exists. Municipalities might also consider explaining that any communications posted to a site are for informational purposes only and that the communications will be deemed to be, at most, transitory correspondence. The policy should also clarify what content is not allowed, for example, content that is typically unrelated or that discriminatory, and further explain that such content may be removed (hidden from view, but not deleted).

With adequate policies in place, municipalities should consider the following:

#### Do's

- Use social media as a duplicate channel of communication to the extent possible, so that information that is posted on social media is retained in another form.
- Advise municipal employees and officials against conducting public business on private social media accounts and that doing so will subject

those accounts to public records laws.

- Include a statement on the social media site itself that mirrors the social media policy and that clearly explains the purpose of the site and the scope of permissible content.

#### Don'ts

- Do not allow municipal employees or officials to make personal use of municipal social media sites.
- Do not authorize or use private

social media groups for municipal employees and officials to conduct municipal business.

- Do not use social media for communications that contain or disclose confidential information.

Although there is no one-size-fits-all approach in this constantly evolving area, following these steps will help make sure that the management of municipal spaces online remains just that: manageable. ■

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# MARK YOUR CALENDARS!

## Maine Municipal Association 2017 Events

### Municipal Technology Conference

May 11, 2017

DoubleTree by Hilton, South Portland, Maine



### Municipal HR & Management Conference

June 15, 2017

Thomas College, Waterville, Maine



### MMA 81st Annual Convention

October 4 & 5, 2017

Augusta Civic Center, Augusta, Maine

[www.memun.org](http://www.memun.org)



Maine Municipal Association

60 Community Drive  
Augusta, ME 04330

phone: 207-623-8428



# - 2017 -

## Elected Officials Training Opportunities

### Elected Officials Workshops

#### Who Should Attend:

This workshop is a “must” for newly elected and veteran officials-councilors & select persons-as well as a wonderful opportunity to learn key points of your new position while networking with officials from around the state. **(Qualifies as Maine FOAA Training.)**

As part of our ongoing efforts to bring training to our members, MMA is pleased to announce that this course will be offered in two formats: In classroom and remotely at the Northern Maine Development Commission in Caribou. Attendees can participate via ITV Technology by viewing the presentation remotely. ITV broadcasting allows for live viewing as well as interactive participation with the attendees. A facilitator will be onsite to assist. Should you wish to attend this session at NMDC, simply fill out the registration form and select the Caribou live broadcast.

A perfect opportunity for elected officials to take advantage of the expertise that the Maine Municipal Association has to offer, attain a better understanding of their role as public officials, and stay abreast of ever-changing local government responsibilities and issues.

#### Frequently Asked Questions:

- What are our rights and duties as officials?
- Can we hold multiple offices?
- Which of our meetings are open to the public?
- Must we have an agenda and take minutes?
- What ordinances can we enact?
- What authority do we have over the schools?
- What are our liabilities and immunities?
- What is a disqualifying conflict of interest?



### Elected Officials:

#### Dates & Locations:

#### Skowhegan - 5/24/2017

Margaret Chase Smith Library  
56 Norridgewock Ave., Skowhegan, ME 04976

#### Machias - 6/20/2017

University of Maine at Machias, Science Building  
116 O'Brien Ave., Machias, ME 04654

#### Rangeley - 7/18/2017

Rangeley Inn & Tavern- 2443 Main St., Rangeley, ME 04970

#### Houlton - 8/22/2017

The Center for Community Health Education  
Houlton Regional Hospital  
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# How one community increased engagement with citizens

*The City of Purcellville, Va., with a population of 10,000 residents, reached out in a different way and achieved results. Here are some lessons learned from its recent effort.*

By Nick Mastronardi and Alex Pedersen,  
for the National League of Cities

There is incredible wisdom and powerful data when civic engagement is done right. But when it's not, we get the unfortunately all-too-familiar sequence:

- A few squeaky wheels intimidate others at city council or town hall meetings.
- The silent majority remains silent.
- Cities spend time and resources trying to re-engage the silent majority through various communication channels.
- The fractured communication leaves citizens confused and not participating.
- The lack of participation fails to deliver data.
- The squeaky wheels and organized interests get their way.

Our organization, Polco, recently worked with the City of Purcellville, Va. to try a new approach to building an informed community, measuring sentiment and balancing the vocal few. Recognizing major shifts and improvements in technology, we designed a new online engagement process that's easier and more insightful for decision makers and for constituents. Below are our findings from this partnership. We're excited to share what we

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**Nick Mastronardi** is the CEO and Founder of Polco, a civic engagement platform designed for local government. Prior to starting Polco, Nick served as a Senior Economist for both the President's Council of Economic Advisers and Amazon. Alex Pedersen is the COO and Co-founder of Polco. Prior to joining Polco, Alex served as strategy and operations analyst at Google. Before that, he served on the Political Science Faculty at the U.S. Air Force Academy in Colorado Springs, Colo. Alex holds a Bachelors degree in Operations Research from the Air Force Academy and a Master's in Public Policy from the Harvard Kennedy School.

## COMING NEXT MONTH

Learn how one small Maine town uses social media and other means to engage as many citizens as possible, both young and old.

did together and how it's working, and we've highlighted five critical steps the City of Purcellville took because we believe they represent best practices in engagement.

### **1. Define an end state, and make a commitment to broad and long-term engagement that's easy and rewarding for your community.**

The City of Purcellville wanted the community to be informed on many key initiatives (and limit misinformation), feel a part of the decision-making process, and wanted decision makers to have a strong pulse on community opinions and needs for these key decisions. This was not a single-issue effort. Taking this long-term and holistic approach meant that city leaders could build engagement into more components of their daily operations and solidify it as a habit among local officials and residents.

How engagement looks from community to community may vary dramatically – some may want to engage primarily with an annual survey, others may want to poll in real time on many issues, others may want to engage primarily to message-test or for get-out-to-vote campaigns. Whatever the objective, clearly stating it and receiving buy-in from stakeholders proved critical. Interestingly, this commitment does not necessarily imply an additional time or resource burden. In many cases, developing a long term

engagement plan can unify outreach channels, simplify operations, and ultimately save time.

### **2. Engage consistently and iteratively.**

Our biggest role was to help with the “how” – the method of conducting this type of engagement. We thought that, ideally, the process of engaging should be the same every time so people knew what to expect. Whether through an online forum, a dedicated Facebook page, or (in our case) on Polco, having a single consistent place (emphasis added) to receive input from engagement creates habits among a community that keep people coming back naturally and reduces the need for outreach every time. In this case, the city posted additional policy polls about upcoming initiatives over the first few weeks of the campaign. This drew in additional members of the community and set the tone and pace for engagement into the future.

### **3. Reach more people for streamlined input.**

With a plan in place, the next effort was to attract as much as of the community as possible. This may sound straightforward, but the idea of increasing the number of voices in a conversation can be understandably intimidating. However, with the right process to collect, verify, and organize that input, the volume can generate insight, not noise.

To reach the broadest base possible, we wanted to meet people where they already were online, let them engage there, and pipe input back to the central verifying and organizing database. This approach meant citizens could find opportunities to

engage via Facebook, email newsletters, embeddable response forms, and in other ways. The list doesn't even have to be limited to digital channels. For example, Purcellville will include a blurb and link on its upcoming utility bills. And by making sure that all of those outlets directed back to a central location online, there was no need to assemble data from various sources.

#### 4. Report actionable and citable results.

Having the data is important, but organizing it to make it actionable and citable was a critical next step. For instance, it's often important to verify that those who are engaging actually live or own a property or business in your community, and collect key information such as specific location, gender or other demographics. We've seen this done manually through staff or automatically using a variety of platforms. In our case, we automatically organized the results by some interesting dimensions, such as district, to help understand geographic differences within the community. With that data in hand, the City of Purcellville had a strong understanding of how its constituents felt on specific policy initiatives and could make informed decisions based on those preferences. This is engagement with impact!

#### 5. Reward engagement with a closed loop.

At the end of the day, this input was provided by residents, and the ability to keep engagement high is likely dependent on the city's ability to show respondents that their time had impact. We suspect the best way to do that is to communicate the outcome, and give them some closure on the issue. Regardless of whether a decision was made counter to their liking, we think closing the decision-making loop and explaining the outcome is critical to the long-term success of any engagement campaign, so we made it easy for the city to do so.

#### What's next?

We've seen great response rates from this campaign and others. Engagement is roughly 10 times that delivered by traditional methods, with nearly three percent of the population participating. But we think it's possible to do much more. Our target is 100 times the engagement of

traditional methods, with the goal of regularly engaging 30 percent of the population. More participation means more informed communities on the important city issues, with a wealth of clear and actionable data for decision makers. This is what public engagement will look like in the future.

**Polco** is a civic engagement platform that brings unbiased policies to voters and allows people to vote, give their opinions, and comment on policies by meeting them in the online spaces they choose: websites,

blogs, emails, mobile applications, and embedded or independent widgets. Polco is an agile, social tool that enables rich data collection to ensure a wide spectrum of voices are heard and sentiment recorded. When users input their concerns, elected officials can review their validated constituents' votes and comments to make informed and thoughtful decisions about upcoming policies. If you are interested in learning more about this case study or Polco, please contact Nick Mastronardi at [nick@polco.us](mailto:nick@polco.us). ■



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# Code enforcement: “E” in CEO really stands for education

By Liz Mockler

**E**nforcing the Town of Poland’s codes and land-use regulations is actually a small part of Code Enforcement Officer Nicholas Adams’ job. The 32-year-old recently said that the “E” should stand for education more than enforcement.

In fact, investigating and enforcing code violations is the least appealing part of the job for him, so he focuses on educating town boards and committees, as well as the public, to head off problems.

“To achieve efficiency, it is imperative that all staff be properly educated and well trained,” he said.

“Ensuring that members of the (municipal) boards and committees follow their respective ordinance, statute and/or rule,” is a crucial duty of the CDO, he added.

“In addition, advising these members on legal procedures and recent law court decisions” is a vital part of his job.

Above all, though, customer service comes first, Adams said.

“(It) is the most important obligation with any public service profession,” said Adams, an outdoor enthusiast who lives in nearby Naples. “I try to be diplomatic and tactful with professionals and non-professionals at all levels. I enjoy helping everyone get through the permitting process. It’s important to educate the applicant on rules and explain the intent of the regulation.”

Shoreland zoning is particularly challenging, Adams said, because peo-

ple think once they get state Department of Environmental Protection approval, they can proceed with their projects. But, as is the case with many Maine municipalities, local shoreland protection rules in Poland are more rigorous than the state regulations.

“In most instances, local shoreland zoning regulations are stricter and even some of the time, the project is not allowed under (local) shoreland zoning rules,” Adams said.

One change he would like to see is making state and local rules more compatible, as well as eliminating duplicate permitting processes and procedures between local and state laws.

Toward that end, Adams has sought and been granted authority from the State Fire Marshal’s Office and permission from the Maine DEP to eliminate some of the duplicative work.

Adams has worked for the Town of Poland for seven years. He also serves as director of planning and community development. Before starting his municipal career, he was president of

Adams Construction Inc.

He also works as an alternate CEO for several other small towns, as well as Chebeague Island since 2014. He is a director on the Maine and New England building officials and inspections associations.

Not taking himself too seriously is part of Adams’ success.

“I’m able to maintain a sense of humor under pressure and thrive in deadline-driven environments,” he said.

The job of CEO includes working as the town’s building, plumbing and electrical inspector. Adams said he has strived to always take any chance to enroll in education programs sponsored by both the Maine and New England associations. He passes on his knowledge to local volunteers who serve on planning and zoning boards, as well as residents and businesses. ■



Nicholas Adams

## ABOUT THIS SERIES

Elected and appointed officials provide essential services to their communities across our state. Maine Municipal Association began this series of profile articles in 2016, our 80th Anniversary year. The series continues in 2017 as we highlight the work that municipal officials do.

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Liz Mockler is a freelance writer from Randolph and regular contributor to the *Maine Townsman*, [lizmockler@hotmail.com](mailto:lizmockler@hotmail.com)

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3rd Annual **Municipal**  
**HR** & Management  
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**ATTENDEE REGISTRATION**

**June 15, 2017**

**Thomas College  
Waterville, ME**



Maine Municipal Association

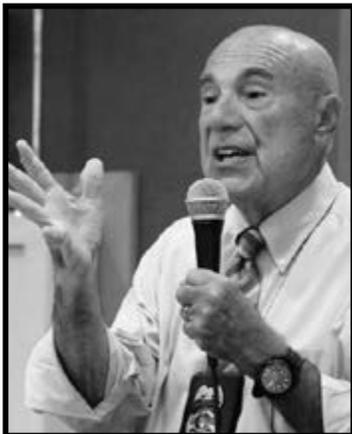
**Presented by:** Maine Municipal Association

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## KEYNOTE SPEAKER: Norman Katz



Our 2017 keynote speaker is a former U.S. Secret Service Special Agent who served with the President John F. Kennedy detail on the day of his assassination. Mr. Katz served as Military Attaché in the Continuity of Government Program, in a highly classified special operations division. His tenure with the JFK administration has made him an expert on maintaining stability and continuity in the government in the midst of disaster. In addition to his work with the federal government, Norm served as a selectman and police commissioner for the Town of Sharon, MA for 32 years. Norm's personal, first-hand accounts of the JFK assassination, the Cuban Missile Crisis and the transition of power to President Johnson make for a powerful message on leadership, especially during times of crises.

## Conference Agenda:

### 8:00 am: Registration

### 8:45 am: Welcome (Summit Rm)

Welcome by Stephen W. Gove, Executive Director, Maine Municipal Association, and Nick Isgro, Mayor of Waterville

### 9:00 – 10:00 am: Keynote Presentation (Summit Rm)

#### Leading in a Crisis: The JFK Assassination

Session Summary: Our keynote speaker served in President Kennedy's Secret Service detail on the day of his assassination. He also served as a Military Attaché in the federal Continuity of Government Program. Mr. Katz's vast tenure and unparalleled experience make him an expert in maintaining stability and continuity in government, in the midst of disaster. Please, join us for this "you won't want to miss it" keynote address.

*Presenter: Norman Katz, former U.S. Secret Service Agent, and a former Selectman and Police Commissioner, Town of Sharon, Mass.*

**MTCMA Certification – 1 point Leadership category**

### 10:00 – 10:15 am: Break/Visit with Sponsors

### 10:15 – 11:15 am: Block 1

#### Marijuana in the Work Place (Auditorium)

It's legal. It's accepted. And it is in your community. Now, how do municipalities – as employers – monitor and enforce rules about on-the-job safety and responsibilities regarding the personal use of marijuana? Learn what the law allows, and does not allow, regarding marijuana use and detection.

*Presenter: Attorney Stephen E. F. Langsdorf, chair of the Municipal Law Group and senior partner in the Employment Law and Litigation practice groups, Preti Flaherty.*

**MTCMA Certification – 1 point Human Resources category**

#### GASB and – the Last Gasp? (Rooms 103/104)

What could be more fun than talking about health insurance and health-care reform? How about GASB 45? This session will bring you updates on both of these topics, and hopefully pro-

vide insights into the future of both. Join Martin Hanish, MMA's Chief Financial Officer, for a discussion of GASB 45 and the upcoming transition to GASB 75; and Anne Wright, Director of Health Trust Services, for an update on the ever-changing world of health-care reform – which parts of the Affordable Care Act are still in effect, and which may be changing. This session is guaranteed to keep you on the edge of your seat!

*Presenters: Martin Hanish, Chief Financial Officer and Director of Financial Planning, Maine Municipal Association; Anne Wright, Director, Maine Municipal Employees Health Trust.*

**MTCMA Certification – 1 point Human Resources and Finance/Budget categories**

#### Freeport: A Hands-On Succession Case Study (Summit Rm)

Few towns were presented with the top management and succession-planning challenges that Freeport has seen in 2015, 2016 and this year, as a series of well-respected department heads retired. Here are the lessons learned during a trying transition period in one Maine town, a period that ended with optimism about the future of Freeport's municipal operation.

*Presenter: Peter Joseph, Manager, Town of Freeport.*

**MTCMA Certification – 1 point Leadership category**

### 11:25 – 12:20 pm: Block 2

#### The Smart Approach to Union Negotiations (Auditorium)

Expiring union contracts with municipal employees present challenges – and opportunities. At our members' request, this workshop will offer strategic advice about preparing for labor negotiations before both sides get to the bargaining table, and what to do when that day comes.

*Presenters: Attorney Linda McGill, Bernstein Shur; David Barrett, Director of Personnel Services & Labor Relations, MMA; town manager TBD.*

**MTCMA Certification – 1 point Human Resources and Legal categories**

#### Social Media Dos and Don'ts (Rooms 103/104)

Municipalities are in the communication game, like it or not.

*(Cont'd on next page)*

## Conference Agenda:

This workshop offers examples and tips on effectively using social media, as well as practical advice on employee use of social media both on and off the job.

*Presenters: Attorney Michael Stultz, MMA Legal Services Department; Detective Dorothy Small, City of Ellsworth; Eric Conrad, Director of Communication & Educational Services, MMA*

**MTCMA Certification – 1 point Leadership and Human Resources categories**

### **Ethics in the Workplace** (Summit Room)

We all want employees to perform their duties with the highest of ethical standards. Come and learn practical ways to build an ethical culture in every department of your town or city.

*Presenter: Kristen Kellner, HR Consultant/Chief Learning Officer, KMA Human Resources Consulting, LLC*

**MTCMA Certification – 1 point Ethics category**

### **12:20 – 1:20 pm: Lunch**

Cafeteria style, "picnic" stations, can sit in cafeteria or outside.

### **1:20 – 1:30 p.m. Break/Visit with Sponsors**

### **1:30 – 2:30 pm: Block 3**

#### **Defensible Documentation** (Auditorium)

Back from 2016 by popular demand! A little preparation goes a long way. Attendees will be presented with useful templates necessary to include in every employee's personnel file. Deb Whitworth's motto is "keep it simple" and by the end of this session participants will know what to do, documentation-wise, and how to do it.

*Presenter: Deb Whitworth, owner and CEO, HR Studio Group*

**MTCMA Certification – 1 point Human Resources and Legal categories**

#### **Why It Matters: Maintaining a Healthy Weight** (Rooms 103/104)

Healthy living starts with achieving and maintaining a healthy weight. Here's how to get there or, if you're already at a healthy weight, how to keep a good thing going!

*Presenter: Libby Parr, Health Promotion Specialist, MaineGeneral Workplace Health*

#### **Navigating Employment Practices Liability** (Summit Rm)

Please join MMA Risk Management Services for a presentation on the various complex issues relating to Employment Practices Liability. The presentation will provide insights and tools to help you protect yourself and your entity from employment liability claims. MMA Risk Management Services will also be demonstrating a new free interactive service designed to provide guidance to members of the Property & Casualty Pool as they navigate the ever changing landscape of employment laws, regulation and liability.

*Presenters: TBD, RMS*

**MTCMA Certification – 1 point Human Resources and Legal categories**

### **2:30 – 2:45 pm: Break/Visit with Sponsors**

### **2:45 – 3:45 pm: Block 4**

#### **Building a Discrimination Free Work Environment** (Auditorium)

Age, religious, gender and other forms of discrimination are constant concerns for municipal employers. This presentation will help you build a "discrimination free" environment, with a special focus on using care with older workers and the ancillary challenges – medical and otherwise – that they can bring.

*Presenter: Rebecca S. Webber, Attorney, Skelton, Taintor & Abbott, Auburn*  
**MTCMA Certification – 1 point Human Resources and Legal categories**

#### **Live Demonstration: The 'New' MMA Salary Survey** (Rooms 103/104)

This Internet-based session will walk attendees through MMA's latest employment tool, which allows members to "slice and dice" salary and HR benefit information with considerable ease. Come learn more about this new tool and see it in action.

*Presenters: Holly Maki, Dynamic Benchmarking; Carol Weigelt, Web Publishing Technician, MMA; Eric Conrad, Director of Communication & Educational Services, MMA*

**MTCMA Certification – 1 point Human Resources and Leadership categories**

#### **HIPAA for Municipalities, A-Z** (Summit Rm)

If your city or town has an EMT or first responder service – paid, volunteer, nonprofit or otherwise – a violation may be just one call away. This session will cover what it means to make a declaration under HIPAA, what can go wrong and what you need to do in terms of reporting, training, policy development, preparing for an OCR investigation and more. In addition, we will walk through the distinct differences between HIPAA requirements and general privacy requirements under employment law as it relates to private health information and personal non-public information.

*Presenters: Robert Bower, Jr. and Katlyn Davidson, Attorneys, Norman, Hanson & DeTroy, LLC*

**MTCMA Certification – 1 point Human Resources, Legal and Ethics categories**

### **3:45 – 4:00 pm: Wrap up and thank you**

**Directions to Thomas College:** Thomas College is located at 180 West River Road in Waterville, Maine. From Interstate 95 exit 127 (formerly 33), go east on Kennedy Memorial Drive (Route 137). In approximately 1.5 miles, turn right onto West River Road (Route 104 South). Thomas College is 1.5 miles on the left. **Please follow these directions instead of those provided by your GPS for the best route to campus.**

3rd Annual  
**Municipal  
HR & Management  
Conference**

# Attendee Registration

**June 15, 2017 – Thomas College, Waterville, Maine**

**Presented by:** Maine Municipal Association

**In Cooperation with:** Maine Local Government Human Resources Association

**Registration Type** *(please check ONE):*

- MMA Member Municipality/Patron/Non-Profit/State Agency-\$75.00  
 Non Member Municipality-\$150.00 /  Business Representative-\$100.00

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**Billing Information:**

Full Name: \_\_\_\_\_

Employer: \_\_\_\_\_

Billing Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**Name Badge Information** *(Name badge will read as indicated here):*

First Name: \_\_\_\_\_

Last Name: \_\_\_\_\_

Primary Title: \_\_\_\_\_

Employer: \_\_\_\_\_

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**Payment Options:**  Send invoice\*  Check will be mailed\*\*  Payment Enclosed\*\* PO #: \_\_\_\_\_

*(\*You will be invoiced after the Conference – \*\*Please send a copy of this registration form with payment)*

**Fax registration form to:** (207) 626-5947

**Mail form to:** HR Conference Registration, Maine Municipal Association, 60 Community Drive, Augusta, ME 04330.

***Please make check payable to: Maine Municipal Association***

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**Dietary Requirements:** We do our best to plan meals according to general dietary guidelines. If you have a specific dietary restriction, please contact Educational Services at: 207-623-8428. Please note that we are not able to accommodate on site requests, as catering planning happens in advance of the event.

**ADA Message:** In order to ensure your complete participation, we would appreciate your informing us of any special requirements you may have due to a disability.

**Questions & Cancellations:** Cancellation notification must be given in writing at least 72 hours before the conference. Any cancellation received after the 72 hour deadline will be charged the full registration fee. All cancellations are subject to a \$10 administrative fee for processing. Please go to <http://www.memun.org/TrainingResources/WorkshopsTraining/Cancellations.aspx> to cancel. If you have any questions please contact the Educational Services Office at (800) 452-8786 or (207) 623-8428.

## NOTICE

### Seeking Nominations for MMA Executive Committee

#### **Nominations**

Nominations are being accepted for three seats on the MMA Executive Committee. The Vice President position is also open to municipal officials who have served at least 12 consecutive months on the MMA Executive Committee during the past five years. The Nominating Committee will interview candidates for the Vice President position and selected candidates for the Executive Committee positions during their meeting in May.

#### **What Is Involved?**

The Executive Committee is the Maine Municipal Association's corporate board, consisting of twelve elected and appointed municipal officials representing the interests of member municipalities throughout the state. The Committee has overall governance and fiduciary responsibility for the Association, its annual operating budget, and the development of policy and priority initiatives. The Executive Committee meets 10-12 times per year and has a required attendance policy in place. The Association reimburses municipal officials or their municipality for travel related expenses incurred for attending meetings or authorized activities to represent the Association's interests.

#### **Who Should Apply?**

- Town and/or city managers or chief appointed administrative officials in an active member municipality; or
- "Municipal officers" (*mayor and aldermen or councilors of a city, the selectmen or councilors of a town, and the assessors of a plantation*)

#### **What are the Qualifications?**

- The ability to serve a three year-term;
- Basic knowledge and/or interest in the corporate operations of the Maine Municipal Association;
- Although not necessary, it would be helpful to have prior experience on other governing boards/committees and/or involvement in the Maine Municipal Association.

#### **Timetable**

March 23, 2017	<b>Appointment of MMA Nominating Committee</b> <i>(MMA Executive Committee appoints 2 MMA Past Presidents; 2 Elected Municipal Officials, and 1 President of Affiliate Group or Town/City Manager or Chief Appointed Administrative Official)</i>
March 30, 2017	<b>1st Electronic Mailing to Key Municipal Officials — Seeking Interested Candidates</b>
April 2017	<b>Notice in monthly magazine, <i>MMA Townsman</i>, and electronic newsletter, <i>MMA This Month</i></b>
Thursday, April 6, 2017	<b>1st Meeting of Nominating Committee — Review of Nominating Committee Process</b>
May 1, 2017	<b>Deadline for Receipt of Statement of Interests &amp; Support Letters of Recommendation</b> <i>The Nominating Committee will then hold its 2nd Meeting by Conference Call to review all Statements of Interest and select candidates to be interviewed.</i>
Tuesday, May 9, 2017	<b>2<sup>nd</sup> Meeting of Nominating Committee by Conference Call – Review of Statements of Interest</b>
Monday, May 22, 2017	<b>Final Meeting of Nominating Committee</b> <i>Interviews with Selected Candidates and put forth Proposed Slate of Nominees</i>
May 22, 2017	<b>2nd Mailing to Key Municipal Officials — Proposed Slate of Nominees and info on Petition Process</b>
July 10, 2017 — 4:30 p.m.	<b>Deadline for Receipt of Nominees by Petition</b>
July 19, 2017	<b>3rd Mailing to Key Municipal Officials — MMA Voting Ballots</b>
August 18, 2017 — 12:00 noon	<b>Deadline for Receipt of MMA Voting Ballots</b>
August 18, 2017	<b>MMA Election Day — Counting of Voting Ballots</b>

#### **For Further Information:**

Please visit the MMA Website at [www.memun.org](http://www.memun.org) for additional information on the MMA Nominating Committee process, timetable, overview of Executive Committee responsibilities and access to the Statement of Interest Forms for the MMA Executive Committee and Vice President. Please contact Theresa Chavarie at 1-800-452-8786 ext. 2211 or by e-mail at [tchavarie@memun.org](mailto:tchavarie@memun.org) if you have any questions.

Maine Municipal Association  
**STATEMENT OF INTEREST FORM**  
**SERVICE ON THE MMA EXECUTIVE COMMITTEE**

Deadline for Receipt — 12:00 p.m. on Monday, May 1, 2017

**Please answer each question & submit your Resume and Letter(s) of Recommendation.**

Name of Candidate: \_\_\_\_\_

Municipal Position: \_\_\_\_\_ Years in Position: \_\_\_\_\_

Municipality: \_\_\_\_\_ County: \_\_\_\_\_

Preferred Mailing Address: \_\_\_\_\_

Work or Office Phone \_\_\_\_\_ Home Phone: \_\_\_\_\_

Mobile/Cell Phone \_\_\_\_\_ E-Mail: \_\_\_\_\_

**Previous Involvement With the Maine Municipal Association** — Please provide info on your past involvement on MMA Legislative Policy Committee, Governance Boards, Ad Hoc Committees, Municipal Leadership Program, Convention Planning, etc., (provide dates of service, if available):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Other Information Not Included on Resume** — other activities of interest, awards, etc.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**What Attributes Do You Believe You (or Your Candidate) Will Bring To The Maine Municipal Association?**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Please provide a Municipal Reference that we may contact:**

Name	Municipal Position	Telephone #
------	--------------------	-------------

For an understanding of the attendance policy please see the MMA Executive Committee job description which is located on the MMA website. Based on this, do you believe that the time commitment meets your availability?     Yes     No

*I attest that the information contained above and within the attached resume is true and accurate to be best of my knowledge.*

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

MMA Nominating Committee c/o Executive Office  
Maine Municipal Association, 60 Community Drive, Augusta, Maine 04330

FAX: (207) 626-3358  
E-mail: [tchavarie@memun.org](mailto:tchavarie@memun.org)

# PEOPLE

Poland selectmen in March named Fire Chief **Mark Bosse** acting town manager, pending a search for a permanent manager. **Bradley Plante** did not renew his three-year contract, which expired last month. Selectmen hope to name a new manager by June. The deadline for resumes was March 28 and the board hoped to interview their top eight candidates by April 5.



**Peter Crichton**

Veteran Cumberland County Manager **Peter Crichton** was named Auburn City Manager, effective April 10. He replaces **Howard Kroll**, who stepped down in September 2016. The city conducted two searches before naming Crichton the new manager. Crichton worked as Cumberland County manager for the past 18 years, but before that he spent a decade in Lewiston as public works director and then as assistant city administrator. Auburn Assistant City Manager **Denis D'Auteuil**, who was offered the top position, announced in February that he had accepted the position of assistant city administrator in Lewiston. Former Biddeford City Manager **John Bubier** was named Auburn's acting manager in February to help city departments and the council develop next year's budget. Bubier will work with Crichton for two months.

Former Augusta City Councilor **Robert Crockett** died on March 9 at the age of 79. His death was announced by his wife, former state legislator and current Kennebec County Commissioner Patsy Crockett. The couple had been together for nearly 60 years. Crockett served as Augusta councilor from 1979 to 1992. He worked as county treasurer from 2007 to 2013. A U.S. Air Force veteran, Crockett worked for the U.S. Postal Service for 37 years, including a stint as legislative postmaster. He also worked as a sergeant-at-arms for the Maine Senate.

Lewiston Fire Chief **Paul LeClair** retired in January after serving the city for 36 years – the past 11 as chief. LeClair accepted the job of director of the Lewiston-Auburn 911 Communications Center,

which also serves the Town of Poland. His retirement party in March was loud at times and quietly reflective at others. City officials said they tried to talk LeClair out of making the job change. Stories and jokes were told; laughter and tears marked the occasion.



**Gary Petley**

Clinton Fire Chief **Gary Petley** retired, effective March 31, ending nearly 40 years of service to the town. Petley, who has worked for the past five years while battling leukemia, outlasted 14 town managers, scores of selectmen and many municipal employees. Clinton, known as home to 3,500 residents and 8,000 cows, will still enjoy the service of Petley, who is applying to become a lifetime member of the Maine Fire Chiefs Association. He also plans to be a lifelong member of the Clinton Fireman's Association. Petley has worked for the fire department for 37 years, the past 25 as chief. He was named the 2012 Maine Fire Chief of the Year. A native of Anson, Petley has lived in Clinton for the past 42 years. He turned 61 years old on the day he retired.

Former Limington Selectman **Herbert Ramsdell** was honored in March by a Board of Selectmen resolve for his long service to the town. Ramsdell was first elected to two consecutive terms as selectman, from 1967 through 1972; and then five straight terms as selectman from 1991 through 2006. Ramsdell also was honored for his long service as a

volunteer firefighter for the town and his work from 1970 to 1990 on the municipal budget committee. He was pivotal in closing the town dump and designing the transfer station, as well as the municipal complex.



**Todd Souza**

Longtime Wiscasset Parks and Recreation Director **Todd Souza** was set to leave his post on April 15 to become Scarborough's community services director. Souza's new job will include directing recreation, running the local cable TV station and overseeing three town-owned beaches. Souza began his Wiscasset employment in 2002 and was named director in 2003. He said he considers his staff "family members" and that the decision to move south was a family decision. He will still live in Wiscasset and commute to Scarborough. Wiscasset town leaders said Souza was an important part of the community and will be missed by children and parents alike.

**William Thibodeau** has been named Limestone public works director, effective in mid-March. He replaced **Paul Page**, who resigned after nearly two years in the job. Thibodeau has no municipal experience, but is a former construction worker and a mechanic by trade. The town conducted two searches before finding Thibodeau, who will be a "working" director responsible for on-the-ground duties and projects as well as administrative work. ■

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## MARS (THE PLANET)

Thanks to a Maine scientist telecommuting from Brunswick and another with Maine ties working in California, several areas on the planet Mars have been named after towns and landmarks in Maine. Among them are Kennebec, Mt. Battie, Frenchman's Bay, Spring Point, Ogunquit Beach, Cape Elizabeth, Rockport, Isleboro, Isle au Haut and Frye Island. The scientists are helping to map the red planet as the Curiosity rover moves slowly across the expanse. Since landing in 2012, the rover has covered 10 miles. The scientists are among those responsible for charting 1.5-square-kilometer quadrangles, or quads, and then naming them. The two scientists are Dr. R. Aileen Yingst, who works for the Planetary Science Institute remotely from her Brunswick home; and Katie Stack Morgan, working for NASA's Jet Propulsion Lab in California, who spent her childhood summers in Maine and married her husband in Bar Harbor in 2013. "To be immortalized on another planet, it's awesome," Yingst told the Bangor Daily News.

## AROOSTOOK COUNTY

Population in Maine's largest and most northern county continued to decline between 2015 and 2016, according to a new U.S. Census Bureau report. The population now stands at 68,752, down 1.5 percent from 2015. Since the last decennial census in 2010, population dropped by 5 percent, or 3,000 individuals, in Aroostook. Meanwhile, only Cumberland and Androscoggin counties saw more births than deaths, although a few of Maine's 16 counties showed small increases that offset losses in recent years, due to people moving in. Overall, the state gained about 2,000 citizens over the period. State officials said the census numbers are estimates; the next full census will be conducted in 2020.

## BANGOR

The city has started replacing sewer mains, some dating back to the Civil War, as well as installing storm drains, catch basins, manholes and hydrants, among other improvements to three streets that create the city's largest intersection. City officials hope to complete the \$1.6 million project by September or sooner. Offi-

## NEW ON THE WEB [www.memun.org](http://www.memun.org)

Highlights of what's been added at [www.memun.org](http://www.memun.org) since the last edition of the Maine Townsman.

**Revenue Sharing Projections.** The Maine State Treasurer's Office has posted some of its most important municipal numbers of the year – revenue sharing projections for 2018.

**Essay Contest Winners.** The results are in for Maine Municipal Association's annual seventh-grade essay contest. This year's winners hail from Athens, Bath and Veazie.

**Impaired Driving Summit.** Impaired driving will be an even greater issue now that Maine has legalized recreational marijuana use. An important meeting will be held on May 19 at Husson College in Bangor.

**Crosswalk, Sidewalk Safety.** The Maine Local Roads Center will hold a series of nine workshops on pedestrian safety. The final workshop will be held June 7.

cial are alerting commuters that they will be rerouted during part of the project.

## BROOKSVILLE

The coastal town near the Blue Hill peninsula will celebrate its 200<sup>th</sup> anniversary this year and parties and other festivities are planned for the entire year. The fun will include Brooksville Days in August and, in October, an attempt to set a Guinness World record for the longest pickup truck parade. The record, 1,152 trucks, was set in Germany in November 2016. Other anniversary events include a talent show, creation of special postcards, fireworks, installation of a veterans' memorial and displaying American flags.

## HALLOWELL

An anonymous donation of \$1 million last month inspired the city council to scrap plans to build a new fire station in neighboring Farmingdale and construct a new station on town property Hallowell. Among the conditions attached to the gift: Residents must vote this month to officially accept the donation. They also must agree to build the station at Stevens Commons, a 53-acre former school complex. The city's existing fire station is 185 years old. Issues surrounding both the fire station and Stevens Commons have occupied residents and elected officials for the past year.

## SCARBOROUGH/SOUTH PORTLAND

Two Maine municipalities will launch pilot programs to offer free weekly curbside pickup of food scraps in certain areas,

with the hope that success will allow the programs to expand and offer a model for other municipalities. Nearly 200 U.S. cities offer such programs, which helps reduce waste being sent to incinerators or landfills. According to a 2011 University of Maine report, food waste comprised 28 percent of household trash in Maine. In 2015, Maine municipalities handled 1.19 million tons of solid waste. The pilot programs will encourage residents to separate food waste such as bread, dairy products, meat and other foods from their trash. Last September, ecomaine began accepting food and organic waste in exchange for lower tipping fees. Based in Portland, ecomaine is a waste processing firm owned collectively by more than a dozen cities and towns.

## WINTHROP



A singed copy of the February Maine Townsman was recovered after a fire swept through the town's post office on Feb. 21. It was included in two large plastic bags of mail that were recovered after the blaze.

The fire started above the ceiling, officials said. The U.S. Postal Service has not announced when a new building will be built. In the meantime, Winthrop mail is being sent out from the Augusta post office. Also among the mail salvaged: a New England Patriots' jersey with the name and number of quarterback Tom Brady. ■

# MUNICIPAL BULLETIN BOARD

## SPECIAL SESSION!

**MAY 23**

### **How to Lead Effective Meetings: Boothbay Harbor**

This new, member-requested workshop is designed to help anyone who leads or participates in meetings. The hands-on program will offer tips to increase collaboration and successful meeting results in both public and private settings.

The workshop will be held on May 23 at the Spruce Point Inn in Boothbay Harbor. Registration begins at 8 a.m. and the workshop will run from 8:30 a.m. to 3:30 p.m. Nancy Ansheles, a meeting and facilitation expert from Portland, is the instructor. Cost is \$70 for MMA members and \$140 for non-members. The Maine Town, City and County Management Association is offering six Leadership Category credits for its members who attend.

**APRIL 20**

### **Planning Boards/BOA: Bethel**

MMA's Legal Services Department will host a session for local Planning Board and land use Boards of Appeal members from 4 p.m. to 8:30 p.m. on April 20 at the Bethel Inn in Bethel.

The workshop is designed as an introduction for new or less experienced members, but veterans may find an update useful as well. Among the topics to be covered: jurisdictional issues; conflicts of interest and bias; public notice requirements; site visits; procedure for decisions; and, variances. The cost is \$55 for MMA members and \$110 for non-members.

**MAY 1-2**

### **MWDA Spring Training Seminar: Freeport**

Various speakers from the Maine Welfare Directors Association, Maine Municipal Association and the cities of

Bangor and Augusta will cover a wide array of topics and issues at MWDA's Spring Training Seminar on May 1-2 at the Hilton Garden Inn in Freeport.

Costs vary based on number of days attending and whether registrants are MWDA members. Registration begins at 8 a.m. on Monday, May 1.

**MAY 2**

### **Clerks' Licensing Workshop: Augusta**

The Maine Town & City Clerks' Association will hold a one-day licensing workshop on May 2 at MMA's Christopher G. Lockwood Conference Center in Augusta. It will focus on dog licenses, hunting and fishing licenses, business and liquor licenses. All attendees should bring both their Municipal Licensing & Permitting Handbook and Municipal Clerk's Manual.

The event begins with registration at 8:30 a.m. It is scheduled to conclude at 4 p.m. Instructors are: Patty Brochu, City Clerk in Old Town; and, Kim McLaughlin, Town Clerk in Old Orchard Beach. Cost for the workshop is \$60 for MTCCA members and \$80 for non-members.

**MAY 19**

### **MMTCTA Annual Conference: Waterville**

The Maine Municipal Tax Collectors' and Treasurers' Association will hold its annual conference on May 19 at the Waterville Elks Banquet and Conference Center.

Many speakers will present and numerous topics will be examined during the two-day event, including: Allen Stehle, a Certified Fraud Examiner; Ron Smith, an auditor, CPA and CFE from RHR Smith & Company; and, Geoff Herman, director of State & Federal Relations at MMA, on legislative issues.

Registration costs \$100 for MMTCTA members and \$125 for non-members.

**MAY 24**

### **Elected Officials Workshop: Skowhegan**

Attorneys and staff from MMA's Legal Services and Communication & Educational Services departments will lead a workshop for elected officials on May 24 at the Margaret Chase Smith Library in Skowhegan. The evening workshop begins with registration at 4 p.m. and ends at 8:30 p.m., including a light dinner. Officials who attend will receive a certificate saying they have met the state's Freedom of Access training requirement.

The workshop is designed for newly elected officials, but veteran councilors and select board members will benefit from the refresher and legal updates as well. Topics include: open meeting and records; roles and responsibilities; effective communication; media relations; and, conflicts of interest, among others. Cost for the workshop is \$55 for MMA members and \$110 for non-members.

**JUNE 8**

### **Basic Municipal Budgeting: Dover-Foxcroft**

Biddeford City Manager James Bennett and Brunswick Town Manager John Eldridge will co-present MMA's valuable and long-running workshop on Basic Municipal Budgeting on June 8 at Mayo Regional Hospital in Dover-Foxcroft.

The interactive session looks at understanding, preparing and presenting town and city budgets. Attendees won't just listen to how the budget process is done – they will be asked to do it themselves. Cost for the workshop is \$75 for MMA members and \$150 for non-members. Registration begins at 8:30 a.m. ■

All of the upcoming workshops can be found on the MMA website.

Use the following link:

<http://www.memun.org/TrainingResources/WorkshopsTraining.aspx>

# LEGAL NOTES

## Five Common Violations of 'Open Meetings' Law

Maine's Freedom of Access Act (FOAA) or "Right to Know" law requires most meetings of governmental bodies to be publicly noticed and open to public attendance and recording (see 1 M.R.S.A. §§ 406 and 403, respectively). This is the core of the "open meetings" part of the law. ("Open records" is the other part.) After advising municipal boards for many years, we've come to recognize some of the more common types of open meetings violations. Here are five of them:

**Meeting by email.** Discussing substantive business by email, social media or other means instead of at a public board meeting is likely a FOAA violation – because the public has the right to know about and to hear and observe such discussions (see "Emailing Board Members Outside Public Meetings," *Maine Townsman*, Legal Notes, April 2012). Administrative communications, however – to schedule a meeting or forward materials for discussion at the next board meeting, for example – are permissible.

**Meeting by chance.** Discussing board matters when a majority of members just happens to be present at the same place – at the town office or the store or at a social event, for instance – is also a violation of FOAA. This amounts to an unscheduled board meeting, but without public notice or an opportunity for the public to attend, both of which are required.

**Unadvertised workshops.** There is a common misconception that workshops, which are usually for discussion only, are somehow different (for FOAA purposes) from official business meetings; in fact, the law draws no distinction. Whether a board is engaged in decision-making or discussion only, it is transacting public business and its meeting must be publicly noticed and open to the public (see "'Workshops' Are Public Proceedings Under FOAA," *Maine Townsman*, Legal Notes, June 2007).

**Insufficient notice.** FOAA requires that public notice of public proceedings be given in ample time and in a reasonable manner (see 1 M.R.S.A. § 406). This is a flexible standard that accommodates a wide variety of circumstances and relies on the good faith and sound judgment

of officials. The law prescribes neither a minimum time period nor a specific method for giving notice. But giving only, say, 48 hours' notice, or posting notice only on the town's website, is probably not sufficient.

**Improper executive sessions.** FOAA authorizes executive (closed-door) sessions, but only for eight specific subjects and only under very strict ground rules (see 1 M.R.S.A. § 405). Going into executive session for an unauthorized purpose or without a proper motion made in a public meeting, or making final decisions in executive session, are all clear violations of FOAA.

Incidentally, we call these "common" FOAA violations not because they are frequent but because they are typical. On the whole, actually, we think local officials have a good track record of complying with the open meetings law.

For more on FOAA, see our "Information Packet" on the Right to Know law, available free to members at [www.memun.org](http://www.memun.org). (By R.P.F.)

## Tied Bids

**Question:** We solicited bids for the sale of some tax-acquired property. We got two high bids for the same amount of money. What do we do now?

**Answer:** If you received two bids for the same amount, and they both meet the bid specs and are otherwise identical in all material respects, we suggest breaking the tie by drawing straws or tossing a coin if both bidders consent. These are time-honored and eminently fair methods for choosing between equals without having to start all over again.

But if, for some reason, either or both bidders withhold consent, we recommend rejecting all bids and going back out to bid. (Sellers of real estate have this right even if it is not expressly reserved, see "Can We Reject All Bids?," *Maine Townsman*, Legal Notes, April 2015.) Odds are that new bids will be higher since bidders now know there is close competition for the award.

We do not recommend resolving the tie based on criteria that were not specified in the invitation to bid, such as the residency or taxable status of the bidder. Awarding a bid based on factors that were not disclosed to all bidders in

## MUNICIPAL CALENDAR

**MAY** — Municipal officers shall meet as the "licensing board" to license innkeepers and tavernkeepers during the month of May (30-A MRSA §3812)

**ON OR BEFORE MAY 15** — Monthly/Quarterly expenditure statement and claim for General Assistance reimbursement to be sent to Department of Human Services, General Assistance Unit, 11 State House Station, Augusta, ME 04333 (22 MRSA §4311).

**MAY 29** — (Last Monday in May) Memorial Day observed. A legal holiday (4 MRSA §1051); a school holiday (20-A MRSA §4802). Municipal officers shall direct the decoration of veterans' graves. (30-A MRSA §2901).

advance invites argument and perhaps a lawsuit.

For what it's worth, it may be advisable to include in future invitations to bid a statement that by submitting a bid, bidders are deemed to consent to the breaking of any tie by any fair and reasonable method, such as drawing straws or tossing a coin.

Incidentally, everything said above about tied bids and the sale of municipal property is equally applicable to municipal purchases. For instance, if a municipality receives tied bids for the provision of fuel oil, road salt or some other commodity, and both bids meet specs and are materially identical, drawing straws or tossing a coin would be an acceptable way to break the tie provided the bidders consent. Otherwise, all bids should be rejected and the purchase rebid.

For more on selling tax-acquired property, see our "Information Packet" on that subject, and for more on purchasing goods and services, see our "Information Packet" on contracts and competitive bidding. Both are available free to members at [www.memun.org](http://www.memun.org). (By R.P.F.)

## Training Requirements for Municipal Officers

We've been asked several times lately whether any training is legally required in order to serve as a municipal officer

# LEGAL NOTES

(selectman or councilor). With one small but significant exception, the answer is no.

Municipal officers (as well as school board members, public access officers and elected clerks, treasurers, assessors and budget committee members) are required to complete a training course on Maine's "Right to Know" law within 120 days after taking the oath of office. For full details, see "Reminder to New Officials re Right to Know Training," *Maine Townsman*, Legal Notes, March 2011. Apart from this, however, municipal officers are not subject to any other legally imposed training requirements.

Nevertheless, we hasten to add that voluntary legal training and technical resources are available in abundance for Maine's municipal officers. Every year MMA presents at least eight Elected Officials Workshops at various venues around the state. These workshops are designed for both new and veteran municipal officers and are a great opportunity to learn and to network. For our training calendar, go to <https://www.memun.org/TrainingResources.aspx>.

MMA's Legal Services staff also publishes a robust manual for municipal officers. Our *Municipal Officers Manual* is available free and online to members at [www.memnu.org](http://www.memnu.org) or in hard copy (\$40 for members) by ordering from our website or by calling 1-800-452-8786. (By R.P.F.)

## Vehicle Excise Taxes & Active Duty Military 2.0

Five years ago we told you about a then-new law (36 M.R.S.A. § 1483-A, eff. Jan 1, 2012) giving municipalities a local option to exempt from excise taxes the vehicles of Maine residents who are on active military duty and who are either permanently stationed outside of Maine or deployed for more than 180 days outside of Maine but who still wish to register their vehicles in Maine (see "New Local Option Excise Tax Exemption for Active Duty Military Personnel," *Maine Townsman*, Legal Notes, February 2012).

This exemption is strictly a local option. If a municipality wants to "opt in," its legislative body (town meeting or town or city council) must enact an ordinance to do so. Otherwise, no action

is required, and there is no exemption.

But recently we learned there is a different law for persons on active duty who are permanently stationed in Maine. Title 36 M.R.S.A. § 1483(16) exempts vehicles owned by them or jointly owned by them and their spouse. This is not a local option – it applies automatically by virtue of State law and regardless of a person's state of residency. (It does not apply to members of the National Guard or the Reserves, however.)

So to recap, if a person is on active military duty and is permanently stationed outside of Maine or is deployed for more than 180 days outside of Maine, their vehicle is not excise tax-exempt in Maine unless the municipality has opted in by enacted an ordinance. But

if a person is on active military duty and is permanently stationed in Maine, their vehicle is excise tax-exempt, period – they needn't be a Maine resident, and no local opt-in is required. (By R.P.F.) ■

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